

war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. OTTINGER:

H. Res. 983. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H. Res. 984. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. McCloskey, Mr. Adams, Mr. Button, Mr. Coelan, Mr. Conyers, Mr. Fraser, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Lowenstein, Mr. Mikva, Mr. Morse, Mr. Mosher, Mr. Reid of New York, Mr. Thompson of New Jersey, and Mr. Whalen):

H. Res. 985. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Res. 986. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. VANIK:

H. Res. 987. Resolution creating a select committee to investigate and study the violence at Kent State University; to the Committee on Rules.

By Mr. FRASER:

H. Res. 988. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina:

H. Res. 989. Resolution to create a select committee to study U.S. military involvement in Southeast Asia; to the Committee on Rules.

By Mr. KOCH (for himself, Mr. Leggett, Mr. Tunney, Mr. Olsen, Mr. Moorhead, Mr. Powell, Mr. Stokes, Mr. Brasco, Mr. Reid of New York, Mr. Hawkins, and Mr. Conyers):

H. Res. 990. Resolution to designate May 8, 1970, as a Day of National Mourning, and so forth; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H. Res. 991. Resolution to stop funds for war in Cambodia, Laos, Thailand, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. O'NEILL of Massachusetts:

H. Res. 992. Resolution to stop funds for war in Cambodia, Laos, and to limit funds

for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. WOLFF:

H. Res. 993. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 17544. A bill for the relief of the Trabuco family; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 17545. A bill for the relief of Mr. Eung Sup Ham and Mrs. Do Seung Kang Han; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R. 17546. A bill for the relief of Col. John H. Sherman; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 17547. A bill for the relief of Alfredo Moraldo; to the Committee on the Judiciary.

SENATE—Thursday, May 7, 1970

The Senate met at 11 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend John H. Tietjen, S.T.M., Th. D., president, Concordia Seminary, St. Louis, Mo., offered the following prayer:

God our Father, Lord of the nations, life-giving Spirit:

You have created all people with a common humanity for life together with You. We acknowledge Your rule and authority in our world and in our Nation.

We humbly confess our need for Your guidance if we are to do Your will. We confidently claim Your promise to hear our prayers.

We ask You to bless the United States of America, our President, and all who shape our destiny that, Your blessing resting on us, we may be a blessing to all the people of the world.

We pray this day especially for the U.S. Senate and for all its Members. Give them strength to bear the heavy burdens of office our fellow citizens have laid on them. Endow them with wisdom in the performance of their duties. Grant them courage to resist every evil, to oppose all wrong, and to champion what is good and right. Equip them to be instruments through which justice and brotherhood and peace may reign more fully in our Nation and in our world.

Bestow Your blessing, O Lord, that what is said and done in this Chamber may help us all to do justice, to love mercy, and to walk humbly with You our God. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the

Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 7, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2452) to amend section 211 of the Public Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services, and it was signed by the Acting President pro tempore (Mr. ALLEN).

HOUSE BILL REFERRED

The bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 6, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, the Chair recognizes the Senator from Colorado (Mr. ALLOTT) under the previous order, for not to exceed 1 hour and 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Colorado yield to me briefly, without losing any of his time?

Mr. ALLOTT. I am happy to yield to the Senator from Montana.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROTECTIVE EYE DEVICES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 843, H.R. 9528.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 9528, to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That every student, teacher, or other person participating in, teaching, or observing any of the following courses of instruction in any school in the District of Columbia shall be required to wear industrial quality eye protective devices—

(1) vocational, technical, industrial, arts, chemical, or chemical-physical courses of instruction involving exposure to (A) hot molten metals, or other molten materials; (B) milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials; (C) heat treatment, tempering, or kiln firing of any metal or other material; (D) gas or electric arc welding, or other forms of welding processes; (E) repair or servicing of any vehicle; or (F) caustic or explosive materials; or

(2) chemical, physical, or combined chemical-physical laboratory courses of instruction involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards.

Sec. 2. The eye protective devices required by the first section of this Act may be furnished to all students and teachers, purchased and sold at cost to students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to shops and laboratories wherein such courses of instruction are held, for use by them in accordance with the provisions of this Act. The devices required to be worn by this Act shall meet or exceed the specifications of the USA Standard Practice for Occupational and Educational Eye and Face Protection—USAS Z87.1—1968—and subsequent versions thereof, approved by the American National Standards Institute, Incorporated.

Sec. 3. The District of Columbia Council is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

Sec. 4. As used in this Act, the term "school" means any school under the control of the District of Columbia Board of Education, any college, school, or other vocational or educational facility under the control of the Board of Higher Education, any private school, and any college, university, or other vocational or educational institution or facility in the District of Columbia.

Sec. 5. This Act shall take effect upon the expiration of ninety days following the date of its enactment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment

of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to require certain persons to wear approved eye protective devices when participating in certain vocational, industrial arts, chemical-physical laboratory courses, and work-training programs of instruction in the District of Columbia."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-838), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, H.R. 9528, is to require students, teachers and observers to wear eye protective devices while participating in or observing certain courses of study or types of training in public or private facilities in the District of Columbia.

This bill would broaden the minimal precautions now provided by regulation so as to require the wearing of protective devices wherever there is a condition which is hazardous to the eyes in connection with educational or training programs.

NEED FOR THE LEGISLATION

At the present time in the District of Columbia, there are no regulations applying generally to all public and private educational and training activities and requiring the use of protective eye wear where hazardous conditions are present. Such regulations as do exist are those adopted by the Board of Education and are applicable only in the public schools of the District of Columbia. Private schools and public and private higher educational institutions have no uniform policy relating to the use of protective devices to prevent injury to the eyes. In testimony before the committee, a representative of the American Society of Safety Engineers indicated that surveys conducted jointly with the Prevention of Blindness Society in 1956 and 1969 of shop and laboratory classes in District of Columbia schools showed that hazardous conditions and lack of safety equipment were present in all of the schools visited.

PROVISIONS OF THE BILL

The bill, H.R. 9528, as amended and reported by your committee, is patterned after the Model School Eye Safety Law which has been adopted in more than 30 States. The bill specifically mentions the types of programs and instructional activities for which the wearing of protective devices is necessary for those who are participating or observing. This includes, in general, those activities involving caustic chemical or hot materials, those processes related to the forming, shaping, and surfacing of solid materials, processes involving electromagnetic and particulate radiation, and such other hazards as may be determined by the District of Columbia Council.

The bill requires that the protective devices used pursuant to this bill meet or exceed the specifications set forth by the United States of America Standards Institute in the U.S.A. Standard Practice for Occupational and Educational Eye and Face Protection, Z 87.1-1968. This standard was developed with the help of an advisory committee composed of individuals with knowledge, experience, and interest in the field. The standard is in-

tended as a guide to aid the manufacturer, the consumer, and the public in the proper selection and use of face and eye protective equipment. The standard is subject to periodic review and revision, and the bill provides that changes in the standard have effect in the District of Columbia.

Many States, including Virginia and Maryland, use this standard in their eye protection statutes, and your committee believes that its inclusion in this legislation will insure that the eye protective devices used in the District of Columbia will be safe and effective.

DISTRICT OF COLUMBIA TEACHERS' RETIREMENT AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 844, H.R. 15980.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15980, to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-839), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill H.R. 15980, is to amend the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91-93, approved October 20, 1969.

PROVISIONS OF THE BILL

There are 12 provisions of H.R. 15980, all of which are amendments to the District of Columbia Teachers' Retirement Act. They are as follows:

1. New basis for computation of annuities

The bill will authorize the computation of annuities on the basis of the teacher's highest consecutive 3-year average salary, rather than the present highest 5-year average. It is understood that this provision will result in an increase of approximately 6 percent in retired teachers' annuities. However, none of the benefit provisions of this bill will apply to the annuities of those teachers who retired prior to October 20, 1969, the effective date for the benefits in this legislation.

2. Service credit for unused sick leave

This bill provides that sick leave which an employee has accumulated at the time of his retirement be credited, with no deposit required for such days, to the employee's length of service in computing his annuity. However, such days of unused sick leave may not be used in determining either average salary or eligibility for an annuity. This provision is in keeping with the present trend regarding unused sick leave in other

large public school systems, as well as with the policy which now applies to retirees under the Civil Service Retirement Act. The committee feels that this provision will provide an incentive against abuses of the sick leave privilege.

3. Addition to "cost of living" increases

H.R. 15980 authorizes a 1 percent cost-of-living adjustment, to be applied in addition to any increases in annuities based on the consumer price index figure as provided under present law. Inasmuch as this is the only area of protection for retirees against inflation, your committee feels that this provision is of vital importance.

4. Minimum service requirement for survivor annuity eligibility

A serious present weakness in the District of Columbia teachers' retirement system is its failure to furnish realistic protection for employees with fewer than 5 years of service. Currently, if a teacher dies with less than 5 years of service, his survivors get only a refund of his annuity contributions plus 3 percent compounded interest thereon to the date of his death. Employees in private industry, however, being subject to the Social Security Act, are entitled to survivor annuity protection after as much as 18 months of service. This applies also in the case of employees under the civil service system.

The committee feels that the same protection should be provided for survivors of employees under the District of Columbia Teachers' Retirement Act, and therefore

H.R. 15980 reduces the minimum length of service for survivor annuity eligibility from 5 years to 18 months.

5. Guaranteed minimum annual annuity for adult survivors of deceased teachers

H.R. 15980 provides that a widow, widower, or dependent parent of a deceased teacher shall be entitled to at least 55 percent of (a) 40 percent of the teacher's average salary as used for computing annuity, or (b) his annuity projected to 60 years of age, whichever is the smaller amount. Under present law, if a District of Columbia teacher dies after 6 years of eligible service, the widow, dependent widower, or dependent parent would be entitled to only 5.1 percent of the deceased teacher's average salary.

This proposed amendment would allow the surviving adult dependent in such an instance to receive an annuity of approximately 22 percent of such salary.

All of the benefit provisions of H.R. 15980 have their counterparts in the Civil Service Retirement Act as presently amended except for this provision. Since the District of Columbia Teachers' Retirement Act presently provides annuities for dependent parents, the committee feels it proper to continue this policy on the same basis as that provided for other adult dependents.

6. Increased yearly annuity for child survivors of deceased teachers or teacher retirees

The bill provides increased annuities for child survivors of District of Columbia teachers or teacher retirees, as shown in the following chart.

ANNUITY FORMULAS, PRESENT AND PROPOSED, FOR CHILD SURVIVORS OF DECEASED TEACHERS OR TEACHER RETIREES

Condition	Present	Proposed, H.R. 15980
When there is a surviving spouse.....	The lesser amount of: (a) 40 percent of the teacher's average salary (for purposes of computing annuity) divided by the number of children; (b) \$600; or (c) \$1,800 divided by the number of children.	The lesser amount of: (a) 60 percent of the teacher's average salary, divided by the number of children; (b) \$900; or (c) \$2,700 divided by the number of children.
When there is no surviving spouse.....	The lesser amount of: (a) 50 percent of the teacher's average salary divided by the number of children; (b) \$720; or (c) \$2,160 divided by the number of children.	The lesser amount of: (a) 75 percent of the teacher's average salary divided by the number of children; (b) \$1,080; or (c) \$3,240 divided by the number of children.

Note: These amounts are irrespective of cost-of-living increases.

It is the opinion of your committee that these increased annuities for child survivors are much more consistent with present day economic conditions than are those presently provided in the District of Columbia Teachers' Retirement Act.

7. Increased yearly annuities for widows and widowers of disability annuitants

At present, the surviving spouse of a disability retiree under the District of Columbia teachers' retirement system faces the same problem as do adult survivors of teachers not on disability retirement, as discussed in this report under item (5.) above.

Currently, a teacher retired on disability receives an annuity based on the smaller of (a) 40 percent of his average salary, or (b) his annuity projected to age 60 years. However, if that teacher on disability retirement should die, these provisions no longer apply and his spouse would be entitled to only a survivor annuity based on the teacher's number of years of eligible service. In the case of a disabled teacher with 6 years of service at the time of retirement, for example, the annuity would be only 5.1 percent of the teacher's average salary. The amendment proposed in H.R. 15980, however, would allow the surviving widow or widower in this instance to receive 55 percent of the deceased's disability annuity, including any increase because of disability retirement.

8. Eliminate the requirement that a child must receive more than one-half his support from the deceased parent in order to receive a survivor's annuity

The requirement that a child must have received more than one-half his support from the deceased parent in order to qualify for a survivor's annuity was eliminated from the Civil Service Retirement Act by Public Law 89-504, approved July 18, 1966. Public Law 90-231, approved December 29, 1967, was designed to grant personnel under the District of Columbia teachers' retirement system the same benefits as were provided civil service retirees by the above-cited act. However, the provision regarding the 50-percent support requirement was overlooked at that time. This provision of H.R. 15980 eliminates this inequity.

9. Increase the survivorship annuity of widows, widowers, and dependent widowers of teachers who retired or died prior to October 24, 1962, from 50 percent to 55 percent of the employee's annuity

Prior to 1962, the survivors of both teachers and civil service retirees were entitled to an annuity of 50 percent of the former employee's annuity. In 1962 this figure was increased to 55 percent for such survivors of annuitants under the civil service system by an act of Congress approved on October 11, 1962; and for survivors of annuitants under

the District of Columbia teachers' retirement system by section 203 of Public Law 87-881 approved October 24, 1962. Neither of these amendments, however, was made retroactive at that time, and thus both groups of survivors of annuitants retired or otherwise separated prior to the dates of enactment of these respective laws were still limited at that time to 50 percent of the annuity.

Title V, section 507, of the Federal Salary and Fringe Benefits Act of 1966 (Public Law 89-504), approved July 18, 1966, increased the annuities of civil service annuitants who were retired or otherwise separated prior to October 11, 1962, by 10 percent. This was equivalent to increasing the maximum percentage of annuities for such survivors from 50 to 55 percent of the employee's annuity. However, even through Public Law 90-231, approved December 29, 1967, was modeled to provide the same benefits to District of Columbia teacher retirees as had been afforded civil service retirees under Public Law 89-504, this law did not include a provision which would have eliminated the inequity described above. Thus, while survivors of all civil service retirees are eligible to receive a maximum of 55 percent of the employee's annuity regardless of when the employee retired or was otherwise separated, and although survivors of District of Columbia teachers who retired or were separated after October 24, 1962, enjoyed the same benefit, the survivors of teachers who retired or died before October 24, 1962, are singularly excluded from the benefit of this 5 percent differential. The committee feels that this inequity should be eliminated.

10. Increase in teachers' rate of contribution to their retirement fund

The bill provides that the rate of contribution of teachers to the District of Columbia teachers' retirement fund shall be increased from 6.5 percent to 7 percent of their salaries. This is to take effect on the first day of the first pay period beginning after December 31, 1969.

This rate of contribution is the same as that required of civil service employees.

11. Authorize creditable service for retirement purposes for periods of authorized leave without pay for teachers serving as officers of employee organizations

The bill will authorize teachers to count as creditable service for retirement purposes all periods of authorized leave without pay while serving as officers of employee organizations.

Title V, section 503 of Public Law 89-504, approved July 18, 1965, amended the Civil Service Retirement Act to provide that an employee under civil service on leave without pay, while serving as a full-time officer of an organization composed of Government employees, may count such time as creditable service toward his retirement under the civil service system. However, such an employee is required to defray the entire cost of that portion of his retirement accruing during his period of leave without pay. That is, he must pay not only his regular contribution to the retirement fund for that time (but also that part of his annuity which is normally contributed by the Government for that period of creditable service. Also, teachers in the public schools of the District of Columbia on periods of leave without pay for educational purposes (sabbatical leave) are authorized to count such periods as creditable service for retirement, pursuant to the act approved June 27, 1960 (District of Columbia Code, sec. 31-745). However, there is presently no such provision for teachers serving as officers of employee organizations.

The teachers in the District of Columbia public school system are represented by the Washington Teachers Union as their bargaining agent with the government of the District of Columbia. This organization has, in

fact, a proportionally higher membership than comparable organizations of classified employees. Accordingly, your committee is of the opinion that the extending of this benefit to district teachers who are full-time union officers is justified.

Although this provision will immediately affect only one teacher, the present president of the Washington Teachers Union, the benefit will extend to all teachers who may serve in the future as officers of employee organizations.

Under the language of this bill, such employees of the District of Columbia Board of Education on leave without pay shall be required to pay the entire cost of that part of their annuities accruing from that period of creditable service, as is required of employees under the civil service retirement system under these same circumstances.

12. Modification of the formula for the District of Columbia government's annual contribution to the District of Columbia teachers retirement fund

Under existing law, the income to the District of Columbia teachers retirement fund is derived from three sources:

1. Teachers' contributions.
 2. Interest earned by the reserve funds, which are invested.
 3. Contribution from the District of Columbia government.
- Section 7 of the District of Columbia Teachers' Retirement Act (District of Columbia Code, sec. 31-727) requires an annual appropriation from the District of Columbia general fund into the District of Columbia teachers retirement fund. Each year's appropriation is to be calculated, on an actuarial basis, as a level percentage of the payroll of all participants sufficient to cover the liability normally accrued, plus a further amount equal to interest on the unfunded liability.

Prior to fiscal year 1968, appropriation estimates were prepared in accordance with this provision of law, and they were substantially met, although some discrepancies occurred because the estimates were necessarily prepared well in advance and thus were based upon projected payrolls which sometimes proved to be too low. In some instances, also, the appropriation was not increased by the Congress in accordance with the estimate submitted.

At the beginning of fiscal year 1968, the reserve in the teachers retirement fund amounted to \$58.1 million, and the unfunded liability stood at \$138.6 million. The District of Columbia government felt that the condition of this fund was a healthy one, and that further accumulation of substantial amounts of money in the fund's reserve was not warranted in view of the city's need of revenues for other purposes. Hence, in submitting its budget for fiscal year 1968 to the Congress, the city requested permission to adjust its contribution to the teachers retirement fund so that the amount appropriated would be sufficient only to provide for the normal cost to the fund for that year, less the sum of the teachers' contributions and the interest earned by the fund's reserve.

In considering this request, the House Committee on Appropriations took the position that inasmuch as the District of Columbia government's proposal would involve a smaller appropriation of funds than would the formula imposed by existing law, the request was a proper one and within their authority to grant. Accordingly, the District of Columbia Appropriations Act for 1968 included the appropriation of funds for the District's contribution to the teachers retirement fund only in the amount requested.

For fiscal year 1968, the contributions to and expenditures from the retirement fund were as follows:

Teachers' contributions.....	Million \$3.6
Interest earned by reserve funds.....	2.0
District of Columbia government contribution ¹	3.8
Total contributions.....	9.4
Costs to the fund (including refunds, benefit payments, and actuarial expenses).....	9.0
Net balance to fund.....	0.4

¹ Had the District government's contribution been computed on the basis of the formula provided in sec. 7 of the District of Columbia Teachers' Retirement Act, the amount of the contribution would have been some \$12 million, which would have resulted in a net balance to the retirement fund of \$8.6 million which would have accrued to the fund's reserve.

This same formula was included in the District of Columbia appropriations for fiscal year 1969 and 1970, and has been requested in the District's budget as submitted for fiscal year 1971 as well.

The bill (H.R. 15980) includes a provision, requested by the Commissioner of the District of Columbia, which will amend section 7 of the District of Columbia Teachers' Retirement Act so as to substitute this modified "pay as you go" plan for the "normal cost-plus-interest" formula specified in the present law. This plan requires that the teachers retirement fund be pegged at its level as of June 30, 1969, or at an amount equal to the employees' equity in the fund, whichever is the larger. For active teachers, employee equity is simply the total of their contributions. For retired teachers, it is the total of their contributions which have not been returned to them in the form of annuities.

Included is a table showing a year-by-year projection of the financing of the District of Columbia teachers' retirement system as provided in the present law as compared to that under the plan provided in this legislation. In addition, there is a column-by-column explanation of the table. The information was supplied by the Government Actuary in the U.S. Treasury Department.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator from Colorado yield, without losing his right to the floor, just for 1 minute?

Mr. ALLOTT. I am happy to yield to the Senator from Pennsylvania.

THE TRAGEDY AT KENT STATE UNIVERSITY AND VIOLENCE ON CAMPUSES

Mr. SCOTT. Mr. President, I am glad that the President of the United States has met with students from Kent State University. I am glad that there is obvious interest at the White House, as there is within Congress and in the country, about the concerns of our young people.

We have got to find some way to cross the various gaps of misunderstanding, to reach down, over, and across to reassure the students of this country that, indeed, all is not lost to them, that there is a responsibility which pervades the institutions of government, which they call the establishment and which we call society, that our hearts go out to those who suffer

from tragic circumstances resulting from confrontations; but that we, who have responsibilities, must continue to assert them and must continue to caution against resorts to violence while advocating and recognizing dissent.

Mr. President, in that quiet, staid, and gentlemanly university which is the University of Virginia—which we who went there called with not so subtle arrogance, "the University," which numbers in the Senate various of its alumni, including the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Kansas (Mr. PEARSON), the distinguished Senator from Massachusetts (Mr. KENNEDY), and the distinguished Senator from Virginia (Mr. SPONG), students at that university have finally joined other college groups in this vast expression of concern. They joined in a gentlemanly way, as is their manner, their trait, and their character.

In the 3 years I attended the university I never knew one university student who wore anything but a black necktie and a white shirt. Anything else was detestable and out of date.

Mr. President, I found out later why we all wore black neckties at the university. I suppose most of us rarely thought to ponder the reason. We wore black neckties to mourn the dead of our wars.

Mr. President, as we mourn for the dead, let us try to balance the value of dissent against the intolerable consequences of violence.

Let us condemn violence.

Let us welcome dissent.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Colorado allow me a few minutes, with no diminution to his time?

Mr. ALLOTT. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, there is a great influx of students from various parts of the country into this area. There will be more. There will be demonstrations, I understand, as well in the Nation's Capital over the weekend.

I have been talking with some of the students, some of whom I met accidentally and other students from Montana who were attending eastern universities. I found them to be deeply concerned. I found them to be individuals who want to do the right thing within the Constitution, who want to be heard and who want to be given some assurances that their complaints will be heeded.

I am very much pleased with the actions taken by the administration in recent days; for example, by the Department of Justice in asking for a waiver of the 15-day rule, so that these young men and women may participate in a peaceable demonstration this weekend. I was pleased that the President found an hour of his time to sit down with six students from Kent State University. I was pleased and pleasantly surprised to read in this morning's newspaper about the letter which the Secretary of the Interior, Hon. Walter Hickel, wrote to the President of the United States. I think these are all steps in the right direction, and I for one wish to commend the administration and give to it its just due.

I believe we are facing a most dangerous and stormy situation in this country. It does not apply only to students in college; there are millions of other youngsters who have not had the opportunity to go to college and who, somehow or other, have been lost in the shuffle. They, too, must and should be given consideration.

The trend in this country has been toward a polarization of the people. It is an ugly trend, because it will do the Republic no good. I would hope that the evidence we have seen this week, which seems to indicate a desire to bring about a mutual accommodation, will be continued. I would hope that these young men and women, college and noncollege, will be listened to, will be heard, and will have consideration given to the questions on their minds. I am sure that every Member of this body intends to do just that, so far as these young people are concerned. It will be an education not only for us as individuals, but also, I think, for the administration. We cannot turn our backs on these fellow Americans, these fellow citizens, these children of ours. Most of them want to do the right thing. They are all entitled to be heard.

I do not advocate assaults on persons or property. Those actions lie outside the scope of the protections provided by the first amendment of the Constitution of the United States. But I do believe in the right of dissent—peaceable dissent. I do believe in the right of these young people to petition their Senators, their Representatives, and their Government. I do believe in the elements of the first amendment: freedom of press, freedom of speech, freedom of religion, and the right to assemble peaceably—and “peaceably” is the key word.

So I would hope that these young people, when they meet this weekend, will do so peaceably. If they do, I think I can assure them that in that way they will have a greater effect than in any other way. If there is violence on the part of a mini-group, as was the case in front of the Department of Justice at the time of the moratorium last November, and as was the case at Dupont Circle and before the South Vietnamese Embassy, that is what the television cameras will focus on, that is what will get the attention, and that is what will create the wrong impression.

So I say to these young people that I hope they, as citizens, will conduct themselves in a proper manner. If they do so, it will be to their own and to the Republic's benefit.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, will the Senator from Colorado yield, with the understanding that he will not lose the floor and that the time yielded to him will not be diminished by so yielding?

Mr. ALLOTT. Mr. President, I yield to the distinguished Senator from South Dakota for a unanimous-consent request.

THE McGOVERN-HATFIELD AMENDMENT TO END THE WAR—ADDITIONAL COSPONSOR

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. HARTKE) be added as a cosponsor of the amendment to end the war in Vietnam, an amendment to the military procurement bill. This brings to 14 the number of Senators who are cosponsoring that amendment.

I wish to associate myself with the remarks made by the distinguished majority leader. There is no question that a person cannot hope to end violence in Asia by backing it in America. We are not going to end the war by wringing our hands, by throwing bricks, or by burning buildings. The way to do it is by our constitutional system, in voting yes or no on the question of whether we want the war to continue. I expect that that vote will come in 30 or 40 days, when the military procurement appropriation bill is before the Senate for consideration. Then every Senator will have a chance to go on record before the American people and for the historical record as to whether at this time of crisis in the life of our country he favors the continuance of our involvement in Southeast Asia or would like to end it in the only way Congress can end it; namely, by a curtailment of funds.

The ACTING PRESIDENT pro tempore. Without objection, the name of the Senator from Indiana (Mr. HARTKE) will be added as a cosponsor of the amendment.

Mr. McGOVERN. Mr. President, the amendment I submitted with the cosponsorship of the Senator from Oregon (Mr. HATFIELD) a week ago today, Thursday, April 30, to end the war in Southeast Asia now has the cosponsorship of 12 additional Senator. When I first conceived the idea of an amendment to the military procurement bill to limit further funds for Vietnam, Laos, and Cambodia to the amount needed to withdraw our forces safely, I did not at first think there was a chance of getting more than a handful of cosponsors. But that was before the invasion of Cambodia, the shocking events at Kent State, and other developments which, I now believe, will, with hard work in the Senate, produce enough cosponsors and votes to carry this amendment. It is the hottest and most hopeful article now sweeping the campuses, concerned churches, and peace-oriented groups in America.

From the beginning, I was determined to seek the broadest possible bipartisan base for this effort, and asked Senator HATFIELD to join me as a Republican cosponsor of the amendment. He readily agreed to do so.

Then, in quick order, the Senator from New York (Mr. GOODELL), the Republican Senator who had earlier proposed cutting off funds for U.S. military forces in Vietnam, joined as a cosponsor with two highly respected Democratic Senators—the Senator from Iowa (Mr. HUGHES), and the Senator from California (Mr. CRANSTON).

The modified amendment which I sub-

mitted on Tuesday, May 5, with the cosponsorship of Senators HATFIELD, GOODELL, HUGHES, and CRANSTON drew as cosponsors that same day the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MONDALE), the Senator from Montana (Mr. METCALF), and the Senator from Ohio (Mr. YOUNG). Then yesterday the junior Senator from Indiana (Mr. BAYH), the Senator from Wisconsin (Mr. NELSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Alaska (Mr. GRAVEL) joined as cosponsors, with the senior Senator from Indiana (Mr. HARTKE) joining today. Thus a total of 14 Senator have joined in 7 days' time as cosponsors.

The dynamics that are unfolding in the Nation and in the Senate lead me to believe that before the Senate votes on this amendment in approximately 30 days, we will have enough votes to carry it. In any event, every Senator will at long last be required to stand up and be counted for the American people and for the historical record on the all-important issue of whether he wishes the war to continue or to end.

Under the Constitution, Congress has no control over this question except by the method of either granting or withholding funds. That question will be voted on in this amendment.

No longer will we merely make speeches lecturing the President on what we think we should do. No longer will we ask him to bear the risk and the opportunity alone of ending or continuing the war. Rather we will force Congress to share that risk and opportunity on a broad bipartisan basis. If the President is fearful of the political recriminations of either continuing or ending the war by withdrawing our forces, this amendment is saying, “Mr. President, we are now going to share that risk with you.”

But this amendment does more than that. It seeks to reclaim the constitutional power of Congress over issues of war and peace. It seeks to prevent the arbitrary decisions of the Executive by restoring to the Congress as elected Representatives of the people the power the Constitution intended.

It provides, too, a constructive alternative to citizen powerlessness and despair and violence. For it says to outraged students, to disillusioned GI's and worried parents, to concerned Wall Street brokers, and to disturbed clergymen and other citizens: “Here is the way you can work your will and lift your voice in an orderly, effective way. You can write, telegraph, telephone, or visit with your Senator and Representative, asking their support for this amendment. You can take a piece of paper and ask your fellow citizens to sign it in your neighborhood, at your club, in your office, at your school or college, in your church or labor hall, or elsewhere, pledging their support for the amendment to end the war and their willingness to urge their Representatives and Senators to vote for it.”

Already petitions embracing over a hundred thousand signatures including 50,000 names secured by students and faculty at Columbia University have come to my attention. Let us get 20 mil-

lion signatures and let us call or write every Representative and Senator, and we will adopt this amendment.

Instead of wringing our hands, or tearing our hair, or throwing bricks, or blocking traffic, or cursing the system, let us go to work on our Senators and Representatives, neighbors and friends, and make constitutional government serve our needs.

This is a prudent, carefully drawn amendment. It cuts off funds for military operations in Cambodia 30 days after passage. It begins the cutoff requiring withdrawal from Vietnam and Laos effective December 31 and concluding with all forces out by June 30, 1971—unless a joint and specific declaration by the President and Congress can demonstrate the need for a specific, publicly recorded reason for an extension of time. In addition to permitting funds for the safe and systematic withdrawal of our forces, it permits funds to arrange for the exchange of prisoners and for asylum in friendly countries for Vietnamese who might feel threatened by our withdrawal.

Let us not talk about Nixon's war or Johnson's war or the Pentagon's war, or the CIA's war. Let us take hold of this war as citizens and as elected representatives and let us vote to end it.

The alternative to ending it is more death and devastation in the civil strife of Southeast Asia, more violence and disorder in our own society, more damage to our own economy in wartime inflation, a jittery, skidding stockmarket, and more erosion of our material and spiritual strength by wasting on war what we need to fight hunger, and answer the crisis in agriculture, housing, unemployment, health care, pollution, and crime.

Many years ago, the ancient Biblical prophet wrote:

I have set before you life or death, blessing or cursing; therefore, choose life that thou and thy seed may live.

Let us choose not cursing but blessing. Not death but life. Let us adopt amendment No. 609 to the military procurement authorization bill (H.R. 17123) to be voted on in the Senate in about 30 days. That amendment will emancipate us from a war we never should have entered, a war that we cannot win and should not want to win. It will save the lives of our troops, stop the incredible destruction of villages, homes, rice crops, and people in Southeast Asia, heal the divisions in our society, nourish our shaky economy, and restore constitutional government in America.

Following is the list of cosponsors as it presently stands:

COSPONSORS OF AMENDMENT No. 609

George McGovern, Mark O. Hatfield, Charles E. Goodell, Alan Cranston, Harold Hughes, Lee Metcalf, Daniel K. Inouye, Walter F. Mondale, Stephen M. Young, Birch Bayh, Fred R. Harris, Gaylord Nelson, Mike Gravel, and Vance Hartke.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

OCVI—923—Part 11

REPORTS OF COMMISSIONS ESTABLISHED UNDER THE WATER RESOURCES PLANNING ACT OF 1965—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In the last few years we have become more aware than ever that the quality of American life depends largely upon how we use—and conserve—our natural resources. It was this growing awareness that prompted the enactment of the Water Resources Planning Act of 1965.

That Act provides for the establishment of river basin commissions—if requested by the States in the appropriate area—to plan for the best use and development of rivers, their adjoining land and their resources. The river basin commissions assure that the people within each area will have a voice in deciding how these resources are used. This approach to planning promises more efficient use of America's great natural and man-made wealth, and more attention to preserving the beauty and vitality of our environment.

Today I transmit the annual reports of the four commissions that have been established under the Act. They are the Pacific Northwest River Basins Commission, the Souris-Red-Rainy River Basins Commission, the Great Lakes Basin Commission, and the New England River Basins Commission—covering areas in 21 states.

These annual reports reflect the accomplishments of each commission during Fiscal Year 1969. They describe existing and emerging problems in the use of our river basins, and help in evaluating opportunities for their sound development.

RICHARD NIXON.

THE WHITE HOUSE, May 7, 1970.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Colorado will state it.

Mr. ALLOTT. Do I correctly understand that I am now to be recognized for 1 hour and 15 minutes?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ALLOTT. Before commencing with my prepared remarks, I should like to associate myself with the remarks of both the distinguished majority leader and the distinguished minority leader. They have expressed themselves well. It is my sincere hope that we can meet with these young people and, as both Senators have so well expressed it, that this can be done without a confrontation of violence, as is advocated by so many people today.

FOREIGN POLICY STATEMENT

Mr. ALLOTT. Mr. President, let me say at the outset that I support the President's recent decision to endorse a combined American-South Vietnamese attack on Communist sanctuaries along the Cambodian-South Vietnam border.

In doing this I take cognizance of the very wide scope of the questioning and debate that is going on, in the Congress and in the rest of the Nation, concerning the basic assumptions of American foreign policy.

Therefore, I want to go beyond consideration of the current tactics we are using in Southeast Asia. I want to make clear how I see the most urgent realities of the international situation as we enter the 1970's.

In evaluating the recent turn of events in Asia it is important to understand the significant successes of American and allied efforts there.

The success of the American policy—from the period of search and destroy missions up to and including this period of Vietnamization—has brought many benefits. Two of them are especially important. One is the destruction of the Vietcong infrastructure in the countryside. The other—and it is related to the first—is forcing the Communists into total reliance on North Vietnamese troops. This has stripped away whatever plausibility originally attached to the myth that South Vietnam's troubles stemmed from "an indigenous peasant revolt" rather than aggression from the Communist nation to the north.

The crucial fact is that the North Vietnamese sanctuaries along the Cambodian-South Vietnamese border have recently become more than sanctuaries. They have become occupied territories, quite remote from even the slightest exercise of Cambodian sovereignty.

It is important to understand why these sanctuaries have been used in this way. The success of our Vietnamization program has made matters very difficult for the North Vietnamese units.

They can no longer rely on the friendship of the local population for aid and comfort. Increasingly outfought on the battlefield by the rapidly improving South Vietnamese Armed Forces, and denied aid and comfort from the South Vietnamese people, the North Vietnamese invaders have been engaging in sporadic fighting and then retreating for rest and resupply in Cambodia.

Were Vietnamization not so successful, the North Vietnamese would not be so dependent on the territories it occupies in Cambodia. But if they were allowed to use these territories unmolested, they could nullify the gains of the Vietnamization program.

Thus our choice was not between continuing the successful Vietnamization program and leaving the Cambodian sanctuaries alone. The choice was to have Vietnamization and a drive against the sanctuaries, or to have neither a successful Vietnamization program nor a realistic hope for honorable disengagement and continuing phased withdrawals.

The hard realities of the situation were such that the President could only choose

the policy he has adopted—setting a far-reaching withdrawal schedule, but preparing for this by denying the enemy his sanctuaries. To repeat, the President had to make that choice because the existence of the sanctuaries posed an intolerable threat to the whole Vietnamization effort that is making the substantial troop withdrawals possible. Now we will deny the enemy his sanctuaries and get on with the troop withdrawals—perhaps even faster than before—or to tolerate the sanctuaries at the risk of jeopardizing our hard-won gains in Vietnamization, and consequently jeopardizing the troop withdrawal timetable.

At this very moment American and South Vietnamese and Cambodian troops are destroying buildings and bunkers and tunnel complexes which are the fruit of five years of labor on the part of the enemy. At the same time the allied troops are uncovering huge caches of food, medical supplies, small arms, mortars, and other war materials. For example, we have found many hundreds of tons of rice and nearly a million rounds of small arms ammunition.

The enemy will not be able to replace any of this easily. Now that the sanctuaries are no longer secure, and now that the Cambodian Government has declared the Communist forces unwelcome, the Communists will have neither the incentive nor the opportunity to rebuild the elaborate fixed installations that we are destroying.

Furthermore, the enemies supply lines are being harassed more and more as a result of the new hostility of Cambodia. Cambodian rice is no longer in ready supply. Access to the sea is threatened. All in all, the enemy's ability to replace the confiscated war materials is diminishing daily.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I wish to ask the Senator if we can assume that the President and his advisers are aware of the fact the Senator is making this statement?

Mr. ALLOTT. The Senator's assumption is entirely in error. This is not true. This speech is made entirely on the responsibility of the Senator from Colorado, without consultation with the administration on this matter in any way.

Mr. LONG. Then, can I assume at least that the Senator is privy to knowing generally what the President's view is on this matter, as well as the view of the Joint Chiefs of Staff and the State Department with regard to this matter?

Mr. ALLOTT. I have been privy to the same briefings many other Senators have been privy to and that is all.

Mr. LONG. Yes. The point the Senator is making, and I think it is well for everyone to know, is that what the President is doing here does not amount in any respect to a reversal of his decision to gradually withdraw American troops from that area.

Mr. ALLOTT. I think it is to facilitate troop safety that the decision was made.

Mr. LONG. Further, it is well to keep in mind that regardless of the number

of American troops that may be there or what our troop strength may be relative to the troop strength of South Vietnam, the question still remains that with forces in South Vietnam and in that area they should be used as they can be used to best advance the cause for which both our forces and the South Vietnamese forces are there.

Mr. ALLOTT. That is entirely correct.

Mr. LONG. So, Mr. President, whether you had 425,000 men, 350,000 men, or 200,000 men you still should be using them in the way they could be used most effectively for the purpose they were sent there and that is what is involved in this Cambodian decision.

Mr. ALLOTT. The Senator is correct. I will develop that point as I go along in my remarks. In no sense does it represent a lessening of the President's determination to withdraw troops from South Vietnam.

Mr. LONG. Yes. So in some respects what we have here is the question of hot pursuit which we have heard debated in this Chamber for the last 20 years. When the enemy is defeated on the field of battle and he retreats into sanctuary, the question is whether he should be pursued there and the sanctuary destroyed, or, if it can be done, to destroy the enemy force.

Mr. ALLOTT. Technically this might be called hot pursuit. The only reason hot pursuit theory would apply is that allied forces have crossed geographical lines. But the area they have crossed into has been in the control of the North Vietnamese for many years. The Cambodians actually exerted no sovereignty over it.

Mr. LONG. And the North Vietnamese are not there on any legal basis; is that correct?

Mr. ALLOTT. The Senator is correct.

Mr. LONG. They are there as trespassers and they are not standing on their own soil.

Mr. ALLOTT. The Senator is correct. I thank the Senator for his able contribution.

What all this adds up to is a well-planned and well-executed allied operation to buy time for the Vietnamization program.

It is safe to assume that the damage inflicted on the enemy—on his resources, his communication and supply lines, and his morale—will not be undone in a hurry. The monsoon season will arrive at just about the time when allied forces leave Cambodia and return to Vietnam. Thus it is safe to assume that the Communists cannot even begin to rebuild their facilities and replace their materials for 5 months.

Further, even if the enemy were able to go back to treating the sanctuaries as sanctuaries—which he will not be able to do—and even if the weakened enemy were able to spare the men and materials to build in the future the way he has built in the past—which he will not be able to do—it would still be at least another 6 months before the enemy would have restored the Cambodian-South Vietnam border areas to a semblance of their former condition.

This means that the combined American and South Vietnamese and Cambo-

dian sweep through the sanctuaries has bought at least a year's time for the continued growth and success of the Vietnamization program.

Mr. President, this Vietnamization program was, in its infancy, a fragile plant. But it has grown sturdier with remarkable speed. This Vietnamization program represents a practical step toward achieving what the overwhelming majority of Americans desire. That is, the Vietnamization program is designed to insure that the United States can continue to withdraw troops without jeopardizing the achievements for which so many Americans have sacrificed so much.

At this point it might be advisable to insert in the RECORD some of the latest figures we have received from the Cambodian affair. The results of the action of our troops through yesterday, which have just been radioed to the United States, show that we have captured in this area 17,075 mortars, 51,328 rockets, enough rice to feed 67 battalions for 1 month, 531 crew-served weapons—that is, heavier guns, missile-type weapons—1,350 bunkers have been destroyed, 102 vehicles have been captured, there have been 3,077 enemy dead, and 653 prisoners of war.

If Vietnamization continues to work, American efforts will not have been in vain. And if Vietnamization works, much of the credit will be owed to the decisive allied action against the sanctuaries.

The President knows there are political risks involved in his decision to clean out the enemy's Cambodian sanctuaries. But I believe the American people will listen to reason. They will evaluate the arguments, and they will accept the wisdom of this policy. Above all, the American people respect commonsense and decisive action. The President has talked sense to the American people about the problem of sanctuaries. And the President has taken the sort of decisive action which, if taken some time ago, might have shortened this war. The American people do not like any wars. But they especially dislike wars in which they have to fight with dangerous and one-sided limitations. The policy of respecting the enemy sanctuaries was just the sort of limitation that exasperated the American people—and rightly so. It is part of American commonsense to understand that if you are going to get into a war, you should not agree to fight with one hand tied behind your back.

The American and allied incursions into Cambodia do not constitute a new war.

This is the same old Vietnam war. We have consistently practiced restraint. The enemy has constantly misjudged this practice of restraint. They have interpreted it as evidence of weakness.

Further, it is no more sensible to say the attack on the sanctuaries "extends" the war to Cambodia than it is to say the Normandy invasion "extended" the Second World War to France. The Second World War had been in France for 4 years when the allies landed in Normandy. But the German occupiers had been having a relatively quiet time of it

until June 6, 1944. Similarly, the Vietnam war has been in Cambodia—and Laos, for that matter—for a decade or more. It is just that the Communist occupiers have been having a relatively quiet time of it until last week.

The President has not extended the war to Cambodia. He has just extended some of the risks of the continuing war to those participants who have brought war to South Vietnam, and who have enjoyed a risk-free refuge next door to the scene of their aggression.

It is very gratifying and encouraging to note that the operation against the sanctuaries thus far has met slight opposition and has resulted in only very light casualties among American and allied units.

This fact reflects the success of the operation. The intent of the operation was to surprise and disorganize the enemy. It was hoped that the operation would catch the enemy unprepared to fight. It was hoped that the enemy would be forced to pack up and flee in a great hurry, so that the American and allied forces could consolidate their positions and then go about the business of finding and destroying Communist facilities—or infrastructures, as they are known—relatively unmolested. Further, it was hoped that the resulting disruption of supply, communications, training and medical facilities would set back enemy preparations for as much as 6 months.

To date there is no evidence that these hopes of ours will be disappointed.

Some persons wish the President had given more advance warning about his decision to clean out the sanctuaries. To this complaint there are three things that must be said.

First, the operation was only devised in recent days in response to the rapidly and dangerously changing situation in Cambodia as the North Vietnamese invasion expanded its objectives.

Second, since a primary object of the operation was to cause disorganization and flight among enemy forces, surprise was an important ingredient in the operations. Thus it was not a suitable topic for prolonged and extensive public debate in advance.

Third, it is of the utmost importance that people understand that President Nixon has repeatedly given the Communists warning that he would not sit idly by and watch them take advantage of American restraint and disengagement in South Vietnam.

A year ago, in May 1969, and again in November the President spoke in stern and unambiguous language about his unwillingness to tolerate Communist actions which take advantage of American restraint. The President promised to meet Communist lack of restraint with vigorous American retaliation. This warning was issued again last month when the President announced his plan to withdraw 150,000 Americans during the next 12 months—a plan which, by the way, he hopes the Cambodian operation will facilitate.

It is important to note that there is a significant precedent for this kind of warning.

This is not the first time we have been pitted against a small Communist nation, backed by large Communist nations, in a limited land war in Asia. Seventeen years ago we were engaged in just such a war in Korea. So-called peace negotiations were stalled, just as they are now. They were stalled—just as they are now—by the refusal of the Communist aggressors to negotiate seriously. Then—as now—Communist intransigence at the negotiating table was rooted in the belief that the United States lacked the resolve to punish intransigence.

At that time the Eisenhower-Nixon administration let it be known that further Communist obstruction at the negotiating table would result in increased American determination in battle. Fruitful negotiations materialized at Panmunjom when the United States made it crystal clear that the costs of stalling were greater than any gains the Communists could hope to make from refusing to negotiate.

While campaigning for election in 1968, Mr. Nixon reminded Americans of the Korean experience. He promised that under his leadership the United States would—in the words of President Theodore Roosevelt—"walk softly and carry a big stick." He suggested that a show of strength and determination might be necessary in Vietnam—as it was in Korea—to convince the enemy of America's commitment to an honestly negotiated settlement.

President Nixon is keeping that promise. He is using American power to protect American lives, while continuing his program of phased withdrawals. It would be hard to improve upon this as a strict and punctual translation of campaign promises into real policy.

The problem of getting Communists to negotiate is the heart of the problem of American relations with the Communist world. Consider our recent experience in Vietnam.

For years we were told that meaningful negotiations would begin if only we would make some gesture of willingness to negotiate. We made numerous such gestures, in public and private, through regular and irregular channels, and the Communists still showed no inclination to enter into meaningful negotiations.

We were told that meaningful negotiations would begin if only we limited the bombing of North Vietnam. We did so, but the meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we stopped all bombing of the North. We did so, and still meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we could get the South Vietnamese to participate. We did get them to participate, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we would agree to the inclusion of representatives of the Vietcong in the negotiations, thereby tolerating the fiction that the Vietcong are truly independent of North Vietnam. We did agree to include the Vietcong in

the negotiations, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we began to withdraw some of our troops from South Vietnam. We began withdrawing troops, and still no meaningful negotiations began.

Most recently—and most implausibly—we have been told that meaningful negotiations would begin if only we would send a "top level" personage to head our negotiating team in Paris. Now I reject the idea that Mr. Phillip Habib is not a top level American official. But in any case, it is important to notice and to remember that we have had first Ambassador Averell Harriman and then Ambassador Henry Cabot Lodge at the head of our Paris delegation, and still there have been no meaningful negotiations.

James Reston of the New York Times has expressed skepticism about the President's decision. Reston suggests—Sunday, May 3—that the attack on the sanctuaries will not be effective because "the heart of the trouble is not in Cambodia, but in North Vietnam and beyond that, in the Soviet Union and Communist China. This is where the power comes from. This is what we have been up against from the beginning."

It is precisely because, in Mr. Reston's words, the "real sanctuaries—are Hanoi, Peking, and Moscow," it is of fundamental importance that the leaders in those three Communist capitals understand the steady resolve of the American leadership. Communists will only negotiate with us if they respect our power and our willingness to use it in vigorous defense of our own interests.

The President is still seeking a negotiated end to the Vietnam war. He thinks—and I think he is right—that the record of the recent past indicates that the Communists are not convinced we mean business, and therefore they are not convinced they need to negotiate with us. It is now becoming clear to the Communists that we do mean business.

It has become clear that the solid success of our policy in Vietnam has forced the Communists to retreat to a policy of protracted conflict. The Communists plan to harass the South Vietnamese people and Government with cruel and wanton terrorism until the American troops leave, and then resume their fight for conquest. Two things are vital in their plans for protracted conflict. One is the existence of Cambodian sanctuaries. The other is the collapse of the American will.

President Nixon has served notice on the Communists that the sanctuaries are sanctuaries no longer. And the American people, by supporting the President, have served notice on the Communists that protracted conflict will bring the Communists only protracted losses. In short, the President and the American people who support him are telling the Communists to get serious in Paris. Americans are telling the Communists to negotiate in Paris, and thereby disengage from their various wars of aggression and conquest in Indochina, or they will suffer the consequences of American determination, increasing South Viet-

namese strength, and increasing Cambodian resolve.

This is the real lesson North Vietnam's leaders should learn from the President's decisive action, and from the support he is receiving from the American people—support running, according to a CBS telephone poll, at approximately 2 to 1 in favor of cleaning out the sanctuaries.

The President repeatedly has said two things. First, he has said that he does not seek a military victory—he is willing to settle for considerably less than victory. Second, he has said he will not accept an American humiliation.

In a previous address to the Nation President Nixon declared that only the American people could humiliate the United States. In saying this President Nixon was echoing the words of the greatest American who, as a 29-year-old lawyer in Springfield, Ill., said this:

If destruction be our lot we must ourselves be its author and finisher. As a Nation of free men we must live through all time or die by suicide.

That was true in 1838 and it is true 132 years later. The only hope our enemies have is to torment and exhaust us to the point where we commit the retreats and failures which, taken together, destroy our credibility, and amount to national suicide.

Clearly the position I am outlining presupposes certain general perceptions about the state of the world today, perceptions which are not universally shared, I am sorry to say. Indeed, there are profound and important differences of opinion, at the highest levels of Government, and in informed circles outside the Government, concerning the basic realities of international affairs as we enter a new decade. I want to make my position clear.

My recommendations for American foreign policy rest on the following 10 judgments.

First, the existence of many nations testifies to the existence of many conceptions of justice.

Second, not all conceptions of justice are born equal. Some are much truer than others. Some, such as those embodied in Communist dictatorship, are clearly false, and so, such as those distilled by Jefferson, ennobled by Lincoln, and embodied in the American Nation, come very close to the truth.

Third, in such a world it is not necessarily a disgrace for a nation to have enemies. Whether it is a disgrace depends on the nation, and on the enemies. It is not a disgrace—indeed, it attests virtue—that the United States numbers most Communist nations among its enemies.

Fourth, Communist hostility to the United States, and the consequent Communist interest, worldwide, in weakening U.S. security, results from the most fundamental causes—being rooted in clashing notions of justice—and therefore the Communist assault on every U.S. interest will continue into the indefinite future, lasting as long as Communists in power militate in favor of social orders which are the obverse of justice.

Fifth, the Communist powers can endure the strains of such protracted conflict with relative ease because they can

afford to ignore the understandable weariness of the people they tyrannize, whereas the ability of the United States to counter Communist assaults is sharply limited by the willingness of the American people to sustain this burden of conflict. Therefore, the Communists understand that their hope for victory rides on their ability to demoralize the American people.

Sixth, the Communists understand that it does not matter in what theater of the world conflict they manage to demoralize and exhaust the American people. It can come in Berlin; it can come in the Middle East; it can come in Indochina. All that matters is that the American people lose their strength of purpose, their confidence in their own abilities, the fine cutting edge of their traditional understanding of a great and free Nation's mission.

Seventh, once that demoralization, that exhaustion has been achieved—regardless of where it has been achieved—the effects will be felt worldwide.

Eighth, the most vital challenge confronting the American people is to face the enemy wherever he confronts them—I do not use this in a military sense—to confront him with as much—but only as much—power as is demanded, thereby keeping the enemy at bay, while retaining a sense of proportion, a sense of reason, and a willingness to meet the enemy in conference whenever and wherever the enemy comes to understand that the United States is not a nation that can be safely challenged and will give up its heritage when challenged.

Ninth, the most vital challenge confronting American leaders is the task of making clear to the American people the parameters of this global conflict, and the task of nurturing the will for protracted defense of freedom.

Tenth, our enemies will always hate us. That is unavoidable. But nothing is more dangerous than having them despise us as weak and irresolute. If they hate and respect us, they will respect our power, which is and will remain sufficient to deter their most malign designs. If they hate us and despise us as a helpless giant, they will be tempted to the most dangerous excesses. Therefore, it is important that we never give them cause to doubt the American will to respond to provocation.

All Americans long for peace. No true American wants peace at any price.

All Americans respect the yearnings of small nations for independence. No true American looks with favor on aggression.

Americans are most divided by honest differences on questions of fact about the cold war. Of course, there are extreme positions at both ends of the political spectrum. There are those on the far left who argue that the cold war was started—with malice aforethought—by the United States. There are those on the far right who are modern day abolitionists, and would turn the cold war into the hottest possible war. They would end communism at the cost of ending civilization. Both of these positions are too puerile to bear confuting.

But between these extreme positions

there is a broad middle ground which leaves ample room for wide and important differences about the nature of the cold war.

At the risk of oversimplifying, there is one school of thought that holds that the cold war is essentially a thing of the past. This school argues that the emergence of pluralism—or “polycentrism”—in the Communist world, combined with such factors as increasing nationalism and the replacement of the revolutionary generation of Communists by a managerial “new class” of Communists, has defused the cold war.

According to this interpretation, communism has lost its dynamism as a world force, and the cold war—understood as a confrontation between two hostile camps—is over. This school does not argue that the passing of the cold war has rendered the world entirely safe and peaceful. But it does argue that the dangers that confront America are only conflicts on national interests, conflicts with low ideological content or importance. Thus, it is said that the world's various trouble spots are quite unrelated to one another.

I think this interpretation is mistaken. I disagree with some of what it takes to be fact, and with some of the interpretations it puts on some facts we all recognize.

I can briefly outline my own views by distinguishing them from the view I have just outlined.

I do not think the cold war is over. Indeed, we may be entering a new and more dangerous phase of it.

There is nothing new in the existence of various Communist nations. There were various Communist nations in existence at the height of the post-World War II cold war period.

It is true that the monolithic nature of world communism has been weakened in the last 15 years. The most conspicuous example of this weakening is the Sino-Soviet split. The restiveness in Eastern Europe, the insignificant appearance of independence from Moscow exercised by Communist parties in free countries, the sporadic dissent among a few Soviet intellectuals, and even the recalcitrance of tiny Albania—all these things are cited as evidence of an emerging pluralism in the Communist world.

This pluralism is real enough. But the important question is: What difference does this pluralism make to us as we try to cope with various hostile moves by various Communist nations?

I think it makes very little difference. The differences between Soviet communism and North Vietnamese communism are obvious. The differences between the national interests of these two countries are real enough. But the important fact is that Communist doctrine—including an implacable hostility to the interests and values of the United States—informs the process by which these nations formulate the policies by which they promote their own national interests.

In recent months there has been evidence that Leonid Brezhnev is emerging supreme from a protracted power struggle within the Kremlin. It is widely feared among students of Soviet affairs, that Brezhnev is a hard-line Communist

whose thinking owes much to his former boss, the man under whom he began his rise to the top—Joseph Stalin.

In recent months, evidence has continued to mount that, in spite of the most dire failures and inefficiencies in the chaotic Soviet economy, the Soviet leadership is pressing ahead with an extraordinary—and frightening—program of weapons production. This program is putting enormous strain on an economy that is already in a state of acute illness. The fact that the Soviet leadership is further burdening the economy with heavy expenditures on the most expensive weapons—long range missiles and complex warheads—indicates that the Soviet leadership considers the cold war a continuing reality. I am not violating rules of security, because it is reported in all the major publications that they have more than doubled their intercontinental ballistic missiles in the last 5 years.

Recently, Communist China launched its first earth satellite. This launching obviously was the fault of a long and heavy investment of resources, material and human. Two things were especially noteworthy about this achievement. First the satellite weighed approximately 400 pounds which means that it must have been hurled into orbit by a rocket with intercontinental range. Second, the launching came after years of economic failure in China, failure that stemmed not only from the inherent weaknesses of the Communist system, but also from the constant disruptions inflicted by the prolonged madness of the so-called "cultural revolution." Clearly, the Communist Chinese leadership has not allowed anything to interfere with research and development crucial to modern war.

Let me draw some general conclusions.

The cold war is a continuing reality. There has been no abatement of international tensions. There has been no let up in the arms race. There is no detente in sight.

It was during the late 1950's after the so-called de-Stalinization upheaval in the Kremlin, that some American scholars and journalists began to predict a detente between the United States and Communist nations. They argued that our interests were "converging" and that an age of relative harmony was about to dawn. This was the era of "the spirit of Camp David."

Unfortunately the age of harmony never came to pass. The detente was never anything but wishful thinking. The fact that so many people were susceptible to believing in a detente testifies to the great weariness Americans felt as a result of their strenuous exertions in world affairs during the first six decades of this century.

The problem is this: All the professors and journalists who declared a detente neglected to insure Communist cooperation.

Every American would like a real detente. No one enjoys the costs—in terms of life, money, creative energy, and national tension—that goes into protracted international conflict. But to believe a detente impends, just because it would be nice for it to impend, is to allow a wish to be father to one's thought. That

is a sure route to self-deception, and self-deception, in a dangerous world, is a sure route to catastrophe.

It is perfectly clear that Communist intransigence and provocation is not limited to Southeast Asia. It is becoming increasingly clear in other parts of the world that American restraint is not being matched by reciprocal restraint on the part of the Communists.

Let me be more specific. For some time there has been mounting evidence that the Soviet Communists are bent on pursuing a dangerous and aggressive policy in the explosive Middle East.

Last week, while the President was weighing his fateful decision concerning Communist sanctuaries along the Cambodian-South Vietnamese border, the world press was reporting that Soviet pilots are now actively engaged in the war against Israel. This represents a highly significant and alarming new step in the steady expansion of Soviet power in the Mediterranean area.

Further, this direct Soviet involvement in the war against Israel threatens to upset the tenuous balance of power in the Middle East struggle. This is significant, and relevant to events in Southeast Asia, because it represents another instance of unreciprocated American restraint. After all, it was in order to preserve the Middle East balance of power that President Nixon recently decided not to send a new shipment of jet fighters to Israel at this time. President Nixon was under heavy pressure from those—including some Members of the Senate—who felt that America should be more forthcoming with aid for embattled Israel. But the President decided to set an example of restraint, thereby taking an acceptable risk for peace.

If evidence of increasing Soviet intervention continues to mount in the Middle East, the President may have to reassess his policy of restraint. It is clear that self-restraint is not a game which only one nation can safely play in this tense and dangerous world of power politics.

It is this principle that underlies the President's recent modification of American policy regarding the Communist sanctuaries along the South Vietnam border. The President has seen his repeated acts of restraint greeted with contemptuous words and flagrantly aggressive actions by the Communists in Southeast Asia.

I believe that there is a common element in the several struggles today where Communist nations are challenging American policy. It might be too strong to say, for instance, that the Middle East and Southeast Asia are two fronts in a common war. On the other hand, it is correct to recognize that the Communist nations challenging us in these areas think of their interests as complementing the interests of other Communist nations.

There is an international aspect to world communism. There is an international Communist thrust, and it is governed by the fact that the United States is today, as it has been for over half a century, the primary enemy of communism.

Just as there are strong and impor-

tant links between the interests of the various Communist powers which actively oppose the United States interests, there also are strong and important links between particular dealings we have with Communists.

Right now we are trying to negotiate with the Communists in two places, Paris and Vienna. Of course, the SALT talks with the Russian Communists and the so-called peace negotiations with the Vietnamese Communists concern very different matters. But the success of each negotiation may depend heavily on a general Communist assessment of the American character, and the American will to stand up to pressure.

The President's approach to settling the Vietnam war is one about which honorable men of good will can and do disagree. We can expect—indeed, we should welcome—vigorous debate about it. We know that differences of opinion about foreign policy transcend party differences. But not all criticism is equally deserving of patience and respect.

One line of criticism now being directed against the combined allied action is that the low casualties indicate that the action is directed against a nonexistent menace. I think a correct understanding of the aim of the operation confutes this criticism. But the criticism bears scrutiny because it reveals how some critics are determined to assail any American behavior that does not conform to their preferences for immediate and unconditional compliance with the unconditional demands put forward with monotonous regularity by the Communist delegation in Paris. The operation is being criticized because, it is said, light casualties indicate that the operation was based on faulty intelligence. But one need not be blessed with supernatural powers to guess what these same critics would be saying if casualties were heavy. In that case they would be in full hue and cry against the operation for being excessively costly. In the eyes of some persons, the United States is damned if it does and damned if it does not. These persons sometimes complain that their opinions are not given proper attention in high places. But their opinions can only lead to perpetual confusion, which is the ground from which they spring.

As the debate about America's continuing commitment in Asia continues, let us be clear about one thing. Those who have spent half a decade predicting American defeat, and who have spent half a decade stigmatizing American efforts as folly, cannot easily adjust to the possibility that success may result from the Nation's sustained sacrifices.

I must speak very candidly. There are in America today some persons who have an emotional, intellectual, and political stake in an American humiliation in South Vietnam. For example, last Saturday John Kenneth Galbraith took time out from making the Harvard undergraduates what they are today and came to town to tell the Americans for Democratic Action that America's policy in Asia has no future. This is the same prophetic Galbraith who, more than 100 weeks ago, prophesied that the existing South Vietnamese Government would

collapse in a couple of weeks. Mr. Galbraith is not untypical of the sort of Americans who, had they reputations as serious men, would stand to lose those reputations as a result of America's disagreeable refusal to collapse before Communist aggression.

On a related matter, it is said by some critics of the President that his decision will be divisive here at home. It is said that it will aggravate existing differences. Four things must be said about this criticism.

First, the differences referred to are, in fact, existing differences. Only one thing will eliminate them. The only thing that will eliminate them is an end to the war, and that is the aim of the President's policy. And Mr. President (Mr. BURDICK), I am fully convinced that this is the aim of the President's policy.

Second, while it is true that some Americans will respond to this policy modification by taking to the streets, this fact hardly constitutes a criticism of the modification. These people do not need a weighty excuse to take to the streets.

Third, the wisdom of a policy cannot be measured by the decibel level of the antagonism it evokes. Were we to measure wisdom in that way, we would be giving an effective veto to the noisiest and most violent of those taking to the streets and campuses.

Fourth, we cannot allow tactical decisions in war to be controlled by the vicissitudes of public protests. There is much political truth in the old adage that "the squeaking wheel gets the grease." But this adage can neither be a sensible nor a moral guide to setting war policies. We cannot allow it to become true that, where foreign policy is concerned, the most vociferously unhappy people determine the tactics.

We should listen less to the hysteria of the moment, and more to the voice of American tradition.

Two of the great phrases of American history are "manifest destiny" and "rendezvous with destiny." The first described the proper role for America in giving its principles dominion over the vast territories of this continent between the Atlantic and the Pacific. There were those in the 19th century who dismissed this as errant presumption. Fortunately, they did not prevail.

The second phrase—"rendezvous with destiny"—was spoken by Franklin D. Roosevelt. It described the role Americans could play in this tumultuous century if this preeminent free nation would take up the challenge of confronting rampant totalitarianism. Americans took up that challenge, a challenge that did not vanish with the defeat of the Fascists in World War II.

The challenge posed by Fascist aggression is more than replicated by Communist aggression—an aggression that has more nations under despotism, more resources to marshal, and an animating philosophy as disgusting as that which the Fascists sought to impose on any people fortunate to be born free or obstinate enough to fight for freedom.

This generation is not the first nor, unfortunately, will it be the last, to have a similar rendezvous with destiny. Amer-

ica today is, and will continue to be, challenged by aggressive totalitarianism. America today bears, and will continue to bear, the manifest destiny to defend the principles of free government.

It is some measure of the national weariness that it has become unfashionable to acknowledge the truth that we are today what we have been since Lincoln first used the words—"the last, best hope on earth."

But fashion is not the truth, and we are still the last, best hope of those who will not bow before protracted aggression from Communist powers.

I believe the most significant passage in the President's speech of April 30 was the following:

We live in an age of anarchy both abroad and at home. We see windless attacks on all the great institutions which have been created by free civilizations in the past five hundred years. Here in the United States, great universities are being systematically destroyed. Small nations all over the world find themselves under attack from within and from without.

If when the chips are down the U.S. acts like a pitiful helpless giant, the forces of totalitarianism and anarchy will threaten free institutions throughout the world.

It is not our power but our will and character that is being tested tonight. The question all Americans must ask and answer tonight is this: Does the richest and strongest nation in the history of the world have the character to meet a direct challenge by a group which rejects every effort to win a just peace, ignores our warnings, tramples on solemn agreements, violates the neutrality of an unarmed people and uses our prisoners as hostages?

In this passage the President intentionally and correctly relates the violence exported by Communists in Asia to a general decay of confidence in the capacity of the great free nations—and especially the United States—to defend themselves and their best institutions.

A score of retired university presidents in this country can testify to the fact that it is dangerous to earn the contempt of determined enemies of civility. The President understands that it is dangerous for a nation to earn the contempt of those nations whose very *raison d'être* is the destruction of free nations.

One hundred and eight years ago, on December 1, 1862, in his second annual message to Congress, Abraham Lincoln said this to an embattled nation:

Fellow-citizens we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.

What was true of Congress and of the American people in that day is also true of Congress and of the American people today. Totalitarianism challenges us in several regions. How we respond today and in the wearisome years ahead will determine whether we earn the respect or the opprobrium of succeeding generations.

It has been said that a politician thinks of the next election while a statesman thinks of the next generation. In this time of testing those who hold real sovereign power in this Nation—

the American people—must measure up to the standards of true statesmanship. If Americans understand the nature of the challenge they face, and the consequences of weakness, they will respond as they have in the past—with courage, and with success.

Twenty-five years ago this week the guns of the Second World War fell silent. But Peace did not follow. For a quarter of a century the American people have borne the burden of supporting resistance to expansionist communism. The fact that the North Vietnamese Communists have been beaten back into a strategy of protracted conflict does not confront the American people with a new experience. The American people have been directly involved in open protracted conflict with Communists at least since the Berlin blockade.

Communist rulers have always understood one thing: All that stands between them and the success of their vicious plans is the determination of the American people. The American people dare not—they will not—falter now. Our enemies are in the process of learning, to their sorrow, a lesson that other tyrants have had occasion to learn during the last 194 years. It is dangerous to underestimate the American people.

My friend and colleague, the Senator from Maryland (Mr. MATHIAS), concluded his moving and eloquent Law Day address with a quotation from Tom Paine. I would like to conclude my prepared remarks with the same words:

Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.

Mr. President, one of the great Senators of this Senate in the past was the Honorable Edwin C. Johnson who served as U.S. Senator and then as Governor of Colorado.

I have in my hand a copy of a letter he has written to the President, which is printed in the Denver Post.

The title is "Courageous Action: Message to the Honorable Richard Milhous Nixon, Washington, D.C." It reads:

Your courageous action did not surprise me. It will shorten this cruel war many months.

It is signed Edwin C. Johnson, a Democrat and former Colorado State Governor and U.S. Senator.

Mr. President, I think I have just a few minutes remaining. I would like to speak extemporaneously for those few moments.

Mr. President, in response to a question from the distinguished Senator from Louisiana (Mr. LONG), I want to say—as I said at that time—that this was not a speech for the administration. This speech was not made at the request nor with the knowledge of the administration.

I have seen history distorted so many times and for such a long period on the floor of the Senate and in the news media and other places that I felt it was incumbent upon me to enter into a discussion not only with respect to the Cambodian situation but also with respect to the situation, as I see it, in the world in the next decade and perhaps for the next two decades.

Mr. President, it is for this reason I have made this address this morning. I feel seriously about this matter. I only hope that within the structure of these remarks there will be some help to those people who feel frustrated and that those who suffer trepidation will find cause for courage. Those who disagree and dissent can do this in an atmosphere of quietness and they can be heard and listened to.

I believe that the future of this country is going to lie in the actions of the executive branch of Government and particularly the actions of Congress in the next few years. Lincoln said what we do and say here now truly "will light us down, in honor or dishonor, to the latest generation."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK). The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized pending the arrival of the distinguished Senator from New York, who is next on the agenda, without any loss of time to him.

THE PRESIDING OFFICER. Without objection, it is so ordered.

LAOS—HEARINGS CONDUCTED BY SENATOR SYMINGTON

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Missouri (Mr. SYMINGTON) has been conducting a number of most interesting hearings affecting various parts of the world. The results of those hearings when they are finally published—and I use the word "finally" advisedly—will receive a good deal of attention. Perhaps otherwise they might have been lost in the shuffle.

I refer particularly to the Symington committee hearings on Laos and the length of time it took to get clearance from the administration so that at least some parts of the report could be published.

It is good that this committee held these hearings on this forgotten war, this hidden war, this secret war which, while tied to the war in Vietnam, insofar as the Ho Chi Minh Trail coming down from the Laotian panhandle is concerned, nevertheless was in other respects an auxiliary and separate war because it was tied to the army of Vang Pao, the chief of the Meos and the Royal Laotian Forces, away and apart from the Ho Chi Minh Trail.

Now, with what is developing in Cambodia, which is a war on a war on a war, and marks an extension and enlargement of the conflict, I think it is most important that the situation, as it exists in Laos, should be brought out and given

consideration by all Members of the Senate.

Mr. President, in order to help that along, I ask unanimous consent to have printed in the RECORD certain news stories having to do with the publication of the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 20, 1970]

UNITED STATES ESCALATES WAR IN LAOS, HILL DISCLOSES

(By Murrey Marder)

The United States is engaged in "heavy escalation" of its air war in Laos while trying to deescalate the war in Vietnam, a Senate inquiry disclosed yesterday.

When the American bombing of North Vietnam ended on Nov. 1, 1968, U.S. air power shifted to hit the predominantly North Vietnamese troops in Laos, the record shows. The U.S. bombing of Laos, secretly begun in 1964 by President Johnson, was reported to have doubled in May, 1969, and nearly tripled last August.

A Senate Foreign Relations subcommittee headed by Sen. Stuart Symington (D-Mo.) yesterday made public the censored results of a six-month struggle with the Executive Branch over releasing testimony taken last October about the secret U.S. role in Laos.

It shows that by agreement with Laotian Premier Souvanna Phouma, the United States responded in 1964 to Vietnamese Communist violations of the 1962 Geneva accords on Laotian neutrality by violating them too. The U.S. share of this decision has cost "billions of dollars," and about 200 American lives, the record indicates.

Under the covert U.S. operation, the American Ambassador in Vientiane virtually has operated as co-commander of the war in northern Laos: he controls a U.S. mission of air, ground and intelligence advisers that coordinates American and Laotian air and ground operations in northern Laos; arranges for the training (primarily at American bases in Thailand) of Lao troops, and supplies American military and economic funds to Laos that are larger than the Laotians' own contribution to their nation's economy.

The Laotian Premier "made it clear that he wanted us to say as little as possible" about American military action in Laos, testified William H. Sullivan, former ambassador in Laos and now assistant secretary of state for East Asian and Pacific affairs.

After more than 100 meetings with administration officials, Symington's subcommittee on U.S. commitments abroad salvaged 237 pages of censored transcript.

President Nixon pierced the censorship deadlock when he disclosed, on March 6, a few selected portions of U.S. activities in Laos, emphasizing that they began under "two previous administrations."

But, the new record shows that the war in Laos involves far more than "1,040 Americans . . . stationed in Laos" as the President's guarded statement listed.

The hearings disclose, as subcommittee sources put it that "tens of thousands" of Americans are involved in the Laotian war in air combat, in training, advisory, supply and intelligence work—operating from Thailand, from South Vietnam and from U.S. aircraft carriers at sea.

Symington expressed the hope, in making the transcript public, that it will help prevent "another Vietnam."

No conclusions or findings accompany the report, partly because it is incomplete. The subcommittee staff noted that it had gained release of 90 percent of the transcript, but chief consultant Walter H. Pincus stated in

a covering letter that the public's "right to know" is still being abused to avoid "embarrassing" past administrations or officials for reasons unrelated to national security.

Censorship took out of the transcript all summary figures on costs; every reference to the Central Intelligence Agency's operations, which include training, equipping, supplying and directing Gen. Vang Pao's "clandestine" army of up to 36,000 Meo tribesmen in Laos; all references to the use of Thailand's forces in Laos; details on U.S. air operations from Laos; figures showing the escalation of American air strikes in Laos during bombing "pauses" or the halt in the air war against North Vietnam, and other critical facts.

Portions of the story can be reconstructed or estimated, however, despite the deletions.

A typical deletion in the transcript reads: "The total cost of all U.S. activities in Laos, including air operations against the Ho Chi Minh Trail, is about (deleted) billion a year. Of this, approximately (deleted) billion is related directly to our efforts in South Vietnam."

U.S. air strikes in Laos have been reported to run up to 600 or more sorties a day.

The transcript shows that in northern Laos the average sortie costs \$3,190 and delivers 2.2 tons of bombs. This would add up to a cost of \$1,914,000 for a day of 600 air sorties.

President Nixon on March 6 originally said that "No American stationed in Laos has ever been killed in ground combat operations." But the inquiry, confirming figures disclosed in the dispute over that statement, shows there have been "something under 200 U.S. military personnel . . . killed in Laos." Most of these were airmen, but nearly 50 are listed as "civilian and military" personnel assigned to the U.S. mission in Laos.

There are "two wars" in Laos. One is what began as a "civil war" in the north, in which the main Communist forces consist of constantly increasing numbers of North Vietnamese troops; this is the air and ground war that the American Embassy mission in Vientiane is deeply engaged in running. The other war in Laos is the American air war against the so-called Ho Chi Minh infiltration trails running south through Laos from North to South Vietnam.

The Symington subcommittee was focused primarily on the war in the north. But both portions of the Laotian conflict interact with the war in Vietnam, militarily and diplomatically.

Sullivan, who worked on the 1962 Geneva accords, became ambassador to Laos in November, 1964, replacing Leonard Unger.

North Vietnam failed to comply with the 1962 Geneva neutrality agreements "from their inception," Sullivan testified, withdrawing only a token number and retaining about 6,000 troops, while the United States pulled out all its 666 men.

The United States, in November, 1962, agreed to provide supplies and repair parts for U.S.-supplied equipment and other material "as permitted" under the Geneva accords, said Sullivan. Then in 1963 North Vietnamese and Pathet Lao troops broke the accords, he said, by attacking neutralist forces and "in 1964 North Vietnam began markedly to increase its support to the (pro-Communist) Pathet Lao and its use of the Ho Chi Minh trail . . ."

"In the same spirit of proportionate response to North Vietnamese violations of the agreements," Sullivan testified, "and as part of our effort to assist South Vietnam in its defense," the United States began "air operations" and considerably expanded its ground support.

Sullivan insisted the United States is free to "terminate" its operations in Laos at any time.

The "first U.S. reconnaissance flight was flown over the southern part of Laos May 19, 1964, after consultation with Prime Minister Souvanna Phouma the previous day," Sullivan testified.

That was acknowledged by the United States on June 6 of that year—when the first "unarmed" plane was shot down. But armed escort planes were secretly added in the meantime; the first of these was shot down June 7, 1964.

By agreement between Souvanna and Ambassador Unger, said Sullivan, it was decided that "firing on ground targets by the escort aircraft would not be acknowledged and would be kept out of discussion with the press on grounds of being an operational matter."

"The United States began bombing of Lao territory along the Ho Chi Minh trail in early 1965," Sullivan said, initially bombing jointly with the Royal Lao Air Force.

Defending the entire U.S. operation in Laos, Sullivan said "it involves no stationing of U.S. combat forces, no commitments and, in comparison with Vietnam, a fairly modest and inconspicuous deployment of personnel and resources."

But Col. Robert L. F. Tyrell, chief U.S. air attaché in Laos and actually the U.S. air operations commander there under the ambassador, testified that in addition to conducting air strikes in Laos from multiple bases in Thailand, "we have had aircraft operating from Danang, Pleiku (in South Vietnam) . . . and also from the 7th Fleet."

The air operations center in Laos is "staffed by Lao and Americans," said Tyrell.

The testimony revealed that logistics support for U.S. army and air attaches in Laos has been covertly handled from American bases in Thailand, were the "cover title" of deputy chief of the American military assistance group in Thailand conceals the Laos support function.

In Thailand, Lao are taught to fly, their troops are trained, their planes are repaired.

The testimony also showed that President Nixon's March 6 statement about the number of Americans "stationed" in Laos hides the fact that other American personnel—the number was censored—"drift in and out" of Laos on "temporary" assignment.

Sullivan testified: "The original understanding between my predecessor and the Prime Minister of Laos was premised upon statements being limited, admissions publicly stated being very carefully structured."

The agreement held admirably for six years. The Russians knew what was going on, the record shows; so did the North Vietnamese and Pathet Lao. The American public was dependent upon its newsmen—if they could pierce the secrecy barrier.

Sullivan gave the administration's principal explanation for official secrecy about the "initial understanding we had with the American operations in Laos: to maintain Soviets" in 1962 about neutralizing Laos. Even if a Soviet official "reads things in the newspapers . . . he does not have to take any official cognizance of them. But if they are made directly by U.S. officials he does have to take cognizance of them."

For the United States to admit officially what it is doing in Laos, while North Vietnam continues to deny it has some 67,000 troops there, said Sullivan, "gives them a totally unfair, totally legal protection."

"In the meantime you are deceiving the American people and the Congress," countered Sen. J. W. Fulbright.

Similarly, Sen. Symington said: "We say we are an open society, and the enemy is a closed society . . . Here we are telling Americans they must fight and die to maintain an open society, but not telling our people what we are doing."

Sullivan countered, "I must say, Mr. Chairman, that I consider these hearings as a very sincere token of an open society."

Symington, who is a member of both the Senate Armed Services Committee and Foreign Relations Committee and has inspected U.S. operations in Laos, was surprised to find that these activities were greater than he knew.

He told Sullivan that he had not known that U.S. forward air controllers "were working with Laotian troops in the planes with them, targeting Laotian bombers."

The record showed the American forward air controllers were not even requested by the Laotians, but that the U.S. "country team determined they were necessary . . ."

A similar indication of American control at both the requesting and the complying ends of U.S. operations in Laos was testimony that Gen. Vang Pao "was considering moving his people away from the front lines" but the American Embassy urged him "to continue." He did.

Symington said he discovered in 1965, when he was in Southeast Asia during the 37-day halt in the U.S. bombing of North Vietnam, that in "one day there were, nevertheless, 378 strikes against Laos, so that must have meant, at that time, the planes which had been hitting North Vietnam were shifted to hitting Laos."

"HEAVY ESCALATION"

In 1969, he said "the figures which Col. Tyrell shows emphasize there has been a heavy escalation of our military effort in Laos."

The record disclosed that the United States is not only paying more than half the cost of operating the Royal Government of Laos, but until this year it was paying, as well, two-thirds of the costs of operating all of the Laotian embassies in foreign countries.

Symington said that as the result of the transformation that Laos has experienced through the U.S. involvement in its war, it is now "impossible for Laos to live without the United States."

CIA'S TESTIMONY ON LAOS: (DELETED)

The Central Intelligence Agency, the most clandestine operating group in the secret war in Laos, virtually escaped mention in the Senate Foreign Relations Subcommittee inquiry on U.S. involvement in Laos.

Subcommittee Chairman Stuart Symington (D-Mo.), in defense of bowing to the Executive Branch's demands in the battle over clearing the hearing transcript, said: "Well, the CIA is an agency that operates on the instruction of other people . . . My experience is that if anything goes well, someone else takes the credit for it; if it goes badly, they try to put the blame on the CIA."

Although the transcript doesn't show it, it is known that CIA Director Richard Helms was the witness on Oct. 28, 1969. Here is the full published text of that morning's transcript:

The subcommittee met, pursuant to notice, at 10 a.m., in room S-116, the Capitol, Senator Stuart Symington (chairman of the subcommittee) presiding.

Present: Senators Symington, Fulbright, Mansfield, Aiken, Cooper and Case.

Also present: Mr. Holt, Mr. Pincus, and Mr. Paul of the committee staff.

Senator Symington. The hearing will come to order. (Deleted.)

(Whereupon, at 12:25 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.)

[From the New York Times, Apr. 21, 1970]

IN THE NATION: THE (NOT QUITE) OPEN SOCIETY

(By Tom Wicker)

WASHINGTON, April 20.—Much more now is known about the secret war in Laos because of the official testimony forced by the Symington subcommittee last fall and pub-

lished Monday after a lengthy struggle with the State Department over "security" clearance. The testimony also was eloquent as to how even the Senate was misled for years about the extent of the Laotian involvement.

When Senator J. W. Fulbright criticized the secrecy, Deputy Assistant Secretary of State William H. Sullivan, once Ambassador to Laos justified it by saying that the United States had sought "to preserve, even though it may be pretty badly torn, preserve the substance of the 1962 [Geneva] agreements so that eventually we could have a reversion to the conditions which made those agreements possible."

NO OFFICIAL ACKNOWLEDGMENT

The North Vietnamese, Mr. Sullivan said, had "violated strenuously" the agreements, forcing the United States to do the same thing in response. But American officials had felt the agreements might be more easily re-established if the war resulting from the violations was not officially acknowledged.

This elicited from Senator Stuart Symington something of an outburst. "Here we are telling Americans they must fight and die to maintain an open society, but not telling our people what we are doing. That would seem the characteristic of a closed society. We are fighting a big war in Laos, even if we do not have ground troops there."

Mr. Sullivan: I must say, Mr. Chairman, that I consider these hearings as a very sincere token of an open society. In other words, that we are telling the representatives of the people . . .

Mr. Symington: You would not go so far as to say we were holding them because the State Department has been urging us to hold them, would you?

Senator Fulbright then quoted Mr. Sullivan's 1968 testimony, in a secret session of the Foreign Relations Committee, that the United States "does not have a military training and advisory organization in Laos." Col. E. W. Duskin, the American military attaché in Vientiane, was then asked to describe the activities in Laos of American military personnel.

Senator Fulbright: But they do not ever give them advice?

Colonel Duskin: I did not say that.

Senator Fulbright: I am asking you, do they or don't they?

Colonel Duskin: My personnel at regional level do provide advice, yes.

Senator Fulbright: Then what is an advisory group?

ADVISORY GROUP DEFINED

Colonel Duskin: An advisory group, sir, is an organization that is constituted for the sole mission to provide advice to include it down to lower unit levels.

Senator Fulbright: . . . We are getting so technical with your semantics it is impossible for us to understand.

The Arkansas Senator also read portions of Mr. Sullivan's secret 1968 testimony, which mentioned bombing only by the Lao and not by the American Air Force, although the latter had been active since 1964.

Senator Fulbright: That very clearly leaves the impression that the Lao air force, not the U.S. Air Force, is doing what is being done. In going through this hearing in 1968, there was tentative probing on our part to see what we were doing, and I would think it is a fair interpretation of this whole record that you indicated we were not doing much, if anything, directly.

Mr. Sullivan (a little later): But if there were any direct questions asked of me about U.S. air operations—

Senator Fulbright: You see, we did not know enough to ask those direct questions, and this is what I meant about quibbling about whether the U.S. role in Laos is exclusively advisory. . . . There is no way for us

to ask you questions about things we don't know you are doing.

SUBCOMMITTEE METHOD

There is one way, of course, which the Symington subcommittee ultimately had to adopt. It sent its own agents to the field in the Philippines, Thailand, Korea, Laos, and recently to Europe; on the scene, they developed the kind of firsthand information with which the Senators finally were able to get the State Department to admit most of the facts about the secret Laotian war.

So, as Senator Fulbright observed, there does not seem all that much "to brag about on the openness of the society."

[From the Washington Post, Apr. 21, 1970]

DECEPTION IN LAOS A DELIBERATE ONE

(By Murrey Marder)

For more than six years, the Symington Subcommittee's report on Laos shows, the United States practiced a policy of official deception about its extremely extensive military operations in Laos.

It did not do so idly or haphazardly. The policy of official deception was carried out deliberately and systematically, for what officials at the highest levels of government were convinced were sound seasons of national security. Many of those officials are still in the government today. They are still just as convinced that the reasons for deception were and are fully justified, and that U.S. operations in Laos are a "model" of an efficient, successful, relatively low-cost, effectively clandestine, counter-guerrilla operation.

On the last count, the officials may be right—the Laos operations may be a model of a successful secret operation against tough odds. But that by no means answers the real question which is whether a handful of counter-insurgency zealots should have the right to define our national interests for us in this fashion, and then involve us in a dangerous and entangling mission without the public knowing anything about it. This is the critical moral issue raised by the Laos hearings and toward the end of the censored transcript Sen. Stuart Symington, who is anything but anti-military, and who knew from visits to Laos as much as any Senator did about the U.S. role there, raises the matter in blunt terms:

"We incur hundreds of thousands of U.S. casualties because we are opposed to a closed society. We say we are an open society, and the enemy is a closed society."

"Accepting that premise, it would appear logical for them not to tell their people (what they are doing); but it is sort of a twist on our basic philosophy about the importance of containing communism."

"Here we are telling Americans they must fight and die to maintain an open society, but not telling our people what we are doing. That would seem the characteristic of a closed society."

The situation recalls a comment made in private, by a Western European friend who is extremely pro-American and who was troubled by the international moralistic consequences of the American military intervention in the Dominican Republic in April, 1965. When the Johnson administration was caught lying about its original rationale for the intervention ("to save American lives"), this man remarked in dismay:

"This will secretly please a lot of Europeans."

"Because," he answered, "they always have resented the holler-than-thou American attitude about intervention, about imperialism, about your claim to a 'higher morality.' Now you are down in the gutter with us. The U-2 (spy-plane flights over the Soviet Union) affair was the first blow to American 'virginity'; this is the second. Now we are all moral prostitutes."

Later that year came the major American slide into Vietnam, then afterward, increasing unofficial disclosure of the clandestine American involvement in Laos.

Senate Foreign Relations subcommittee hearings on Laos showed how Congress itself is misled by artful or deliberately technical official replies to questions.

In 1968, the Laos transcript reveals the parent committee was informed that: "... We do not have a military training and advisory organization in Laos." The Laos inquiry confirmed that there are hundreds of U.S. "advisers" in Laos and at training bases for Laotian forces in Thailand. The Symington Subcommittee demanded an explanation.

There is no inconsistency, government witnesses responded; in military parlance, "an advisory group's" sole mission is "to provide advice . . . down to lower unit levels," came the explanation. U.S. military personnel in Laos provide "advice," but officially do not constitute "an advisory group."

His committee, Sen. Fulbright protested, was victimized by "semantics."

It is argued by many officials, members of Congress—and even newsmen as well—that nothing vitally new has been disclosed about U.S. operations in Laos that was not, or should not have been, known to any careful reader of his daily newspaper.

This is basically correct. But there is a fundamental difference in a nation that claims a standard of "higher morality" between admitting its actions officially, and having knowledge of them seep out.

In fact, this is precisely the case that the United States government argued for maintaining official secrecy for six years, as the testimony shows: to take "official cognizance" of what it was doing in Laos carried a whole range of possible international repercussions.

Newspaper accounts can be disavowed; a report that is inaccurate even fractionally—as accounts of secret operations are very likely to be—can be officially dismissed as containing "innumerable inaccuracies." This often has been the official response to enterprising news reports about Laos—or Vietnam, or Cambodia. It is hardly a satisfactory answer to the national moral questions raised by such clandestine military operations, therefore, to counter that "everyone" knew about them anyhow, so there was no real deception.

Nor is it any moral "out," as Sen. Symington noted, to shift blame to the Central Intelligence Agency for operational activities it was directed to perform by the nation's leadership. The moral responsibility is government-wide.

Those who express bafflement about why a younger generation loses faith in the words of its leaders will find some answers in the Laos transcript.

[From the St. Louis Post-Dispatch, Apr. 24, 1970]

THANKS TO MR. SYMINGTON

A word of commendation is due Senator Symington of Missouri for his effort to inform the public about the clandestine war in Laos, which, as he says, has cost the United States "billions of dollars, and, what is more important, American lives." As Chairman of a Senate Foreign Relations subcommittee, Mr. Symington held closed-door hearings on the Laos involvement and then struggled endlessly with the Administration in an attempt to make public the full transcript of testimony. He was unable to prevent the deletion of some material, but the transcript as released several days ago is nonetheless extremely valuable for the factual information and insights it contains. Mr. Symington has performed a notable service in tearing the veil of secrecy from the reprehensible U.S. involvement in Laos.

[From the Chicago Tribune, Apr. 21, 1970]
FINDS LAOTIAN WOES BORNE BY U.S. TAXPAYER
(By Samuel Jameson)

VIENTIANE, LAOS, April 20.—United States involvement in Laos focuses on the American taxpayer, not the American soldier—and is expected to remain that way for some time.

The United States military role is significant but involves few military men. Those bearing the brunt are the American pilots flying bombing missions over north Laos in support of Laotian troops and over the Ho Chi Minh trail in south Laos. Otherwise, the military role is mainly a monetary one.

FIGURES CLASSIFIED

Military aid figures have been classified since 1962 when the tripartite neutralist-centered government of Souvanna Phouma was formed. It is certain, however, that provision of weapons, equipment, and supplies to the Laotian armed forces costs the American government at least 50 million dollars a year.

(A censored transcript of secret Senate testimony released Sunday stated: "The total cost of all United States activities in Laos, including air operations against the Ho Chi Minh trail, is about (deleted) billion a year. Of this, approximately (deleted) billion is related directly to our efforts in South Viet Nam.")

1961, the last year for which full military aid statistics were published, Laos got 56.9 million dollars in military assistance from the United States. Conditions have grown progressively worse since then.

\$51 MILLION FOR ECONOMY

On the economic side 51 million dollars in aid was programmed this year.

More than 20 years of warfare have caused many problems.

The nation's currency, the kip, is one of the world's most stable currencies, despite the fact that Laos holds virtually no foreign exchange of its own to support it.

A kip stabilization fund set up in 1964 provided the backing. In seven years the United States has contributed 85.6 million dollars, with Japan, the United Kingdom, France, and Australia adding another 39.3 million dollars.

SOLVES PROBLEMS

All five nations bring dollars into Laos and exchange them for kip at Laotian banks. Any Laotian who wants to import goods can buy the dollars freely. The system has solved Laos' chronic foreign currency shortages, promoted orderly trade, curbed inflation, and eliminated a once flourishing black market.

However, no long-range problems have been solved, and Laos is no closer to self-sufficiency than before.

Few other advances are detectable.

With 85 per cent of its population living on farms, Laos still does not produce enough rice to feed the 15 per cent who live in cities. The average Laotian farmer appears to be content to raise only enough grain for his own personal needs.

FOOD IMPORTED

A Japanese diplomat estimated that at least 50 per cent of the food consumed in Vientiane is imported.

Any possible gains in the literacy rate are small.

No statistics are kept. Illiteracy was estimated at about 85 per cent seven years ago. Estimates today place it at about 80 per cent.

SIX HUNDRED NINETY-FOUR MILLION IN AID

However, one major economic project is beginning to take shape. That is the Nam Ngum dam, 50 miles north of Vientiane. The nine-nation, 31-million-dollar project will produce 30,000 kilowatts of electricity when it is finished in late 1971.

Since American aid began in 1951, the

United States has given Laos 694 million dollars in economic assistance. That figures out to about \$420 for every person who lives in noncommunist areas under government control.

The military aid is considered to have amounted to at least 680 million dollars in the same period. That amount is calculated by adding the officially reported 280.7 million dollars in aid between 1955 and 1962 to an estimated 400 million dollars since then.

For its investment the United States has won several notable diplomatic advantages.

SOUVANNA PRO-AMERICAN

Souvanna Phouma has become the world's foremost pro-American neutralist. He admits he has no control over the jungles of South Laos and openly condones American bombing of the Ho Chi Minh trail there.

Tangible gains, however, are harder to detect at this moment.

For its military aid the United States can point only to an armed force of 60,000 troops which so far has never won a battle.

A western military source here said the only fighting in Laos is being carried on by central intelligence agency-trained guerrillas and the Meo tribesmen forces of Maj. Gen. Vang Pao.

Defense secretary Melvin Laird has testified to Congress that the North Vietnamese could take over all of Laos any time they wished.

Committing American ground forces to a war in Laos would place all of the fighting on American shoulders. This factor has dissuaded American Presidents from committing ground troops to Laos.

As a result, the cost of achieving American aims in Laos in the future probably will continue to be paid by the American taxpayer, not the American soldier.

[From the New York Times, Apr. 27, 1970]

THE NEW TEMPTATION: CAMBODIA

(By Anthony Lewis)

LONDON.—How familiar it all seems as the generals and the jingoes begin their pressure for American intervention in Cambodia. The situation, we read, gives us a great chance to win the Vietnam war—if only we expand it. We must send arms and encourage the South Vietnamese Army to cross the border. The opportunity to clean out the Communist sanctuary is almost too good to be true. Et cetera.

After the pain of the war and the effort to disentangle ourselves from it, Americans naturally may find it frustrating to see the Vietnamese Communist forces enlarge their operations in Cambodia. And so the President's press secretary, Ronald Ziegler, denounces them as aggressors, aggressors blatantly violating the Geneva agreement in Cambodia as in Laos. But it is not that simple.

FORCES AND TACTICS

For one thing, why should we expect the other side to play by our rules? We have B-52's and helicopters and CS gas and weapons beyond imagination; they have guerrilla tactics and ruthlessness. We operate from bases in Thailand and thousands of miles away; they slip into the other states of Indochina. There does not seem a great moral distinction.

Nor is it so clear that only the Communists are blatant violators of the Geneva accords. The evasions and lies of successive administrations about the American military presence in Laos have begun to be exposed by Senator Symington.

And in Cambodia it was the anti-Communists who upset the *status quo*, with the coup against Prince Sihanouk. The Vietcong and North Vietnamese could hardly have been expected to agree quietly to the cutting of their supply line through Cambodia. Their military activity may be intended pri-

marily as pressure on Gen. Lon Nol to restore the *status quo*.

The character of the Lon Nol regime may also give us pause. After a week of bodies floating down the Mekong River—bodies of innocent Vietnamese residents of Cambodia evidently murdered because of their race—we now have had the Cambodian Army using unarmed Vietnamese civilians as an advance guard to draw enemy fire. Many were killed. The general on the scene attributed that "psychological warfare plan" to Lon Nol.

The underlying conflict here is not political but racial, and centuries old. The Lon Nol Government, to the extent that it does govern, seems to have chosen to play on those ancient animosities. Do we really want to become involved in the encrusted bitterness of the Khmers and the Vietnamese, along with our other alien burdens?

A SIREN APPEAL

President Nixon now faces a siren appeal like the one that lured his predecessors in 1965: win the war by escalation. It may be worth remembering what America has done in that search for victory, and to what effect.

We have bombed Vietnam, North and South, with more explosives than were used in World War II. The military will of the North and of the Vietcong has not been broken.

We have pioneered the use of defoliants on a massive scale. Just now, belatedly, after much outcry, we have officially admitted that one of these chemicals may not only kill plants but cause human birth defects.

We have invented the concept of free-fire zones. That clean-sounding name actually tells American soldiers that they may kill any living thing with a clear conscience.

We have massacred civilians, women and children, in substantial numbers. Or so official investigations have concluded and legal proceedings charged.

Corruption of ourselves is the price we have paid for trying to impose our ideas on a scene where we do not belong. That is what American history will record, not the undoubted sacrifices in a selfless cause that President Nixon mentioned last week. The plea of good intentions will not suffice.

NO EASY WAY OUT

To know all this, as the President must, is not to know an easy way out. But whatever the contradictions of his language, with the rhetorical gestures to victory, Mr. Nixon's policy is to reduce American involvement in Vietnam. And this time, in contrast to 1965, the issue is out in the open. There is no excuse for the President or any of us accepting an enlargement of the war without anticipating the consequences.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for 20 minutes.

AMENDMENT TO MANPOWER BILL PROVIDING PUBLIC-SECTOR JOBS TO COMBAT UNEMPLOYMENT

Mr. JAVITS. Mr. President, even while we are deeply concerned, especially today, with the very serious events at home and abroad relating to the extension of the war into Cambodia and the deep feeling of many of us that the time has come for the United States to disengage in Vietnam, life goes on and problems of employment, housing, poverty, and other problems which materially affect our country continue.

Mr. President, the matter to which I am addressing myself at this moment is our responsibilities regarding jobs and job training. As the ranking minority member of the Committee on Labor and Public Welfare, I have been involved in that particular effort. I am the sponsor of the administration's Manpower Training Act.

In my judgment, recent events in the economy of our country show this act to be lacking in certain major aspects. In order to enable my colleagues to become acquainted with these aspects, I will outline the things which I feel need to be done and as to which I will introduce amendments. I hope that the amendments will be considered, studied, and that they will receive support from many of my colleagues.

Mr. President, I shall introduce shortly as an amendment to the administration's proposed new Manpower Training Act—of which I am the principal sponsor in the Senate—legislation to provide a limited number of opportunities in the public sector, and to "trigger" additional funds for such public-employment opportunities, as well as for training, in the event that unemployment becomes especially severe.

We enter this decade not only with a new commitment to improve our physical environment, but with an unmet obligation as well as to redeem our social environment. And we lack the personnel to implement either of these objectives.

A recent study completed for the Department of Labor and the Department of Health, Education, and Welfare by the National Planning Association concludes that achievement of the national goals determined by the Presidential Commission on National Goals will more than double our public service employment needs of 1962.

Our present public service employment opportunities, as identified in a study completed in 1965 for OEO, corroborate this finding. According to the OEO study, 4.3-million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such slots.

In concert, these three studies evidence the magnitude of our public service employment needs.

For example:

Health and hospital services—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 34,534. By 1975, our total health service employment needs shall have increased from 1,021,000 in 1962 to 2,374,000, an increase of 133 percent in 13 years.

Education—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 84,598. By 1975 our total educational needs shall have increased 95 percent since 1962. By 1975, our total education service needs shall have increased from 618,000 in 1962 to 1,777,000—an increase of 90 percent.

Urban renewal or rehabilitation and

sanitation—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 25,784. By 1975, our total urban development service manpower needs shall have increased 67 percent from 245,000 in 1962 to 408,000.

Welfare—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 26,909. By 1975, our total welfare service needs shall have increased 250 percent from 674,000 in 1962 to 1,423,000.

Recreation, parks, and antipollution enforcement—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 20,644. By 1975, our public service employment needs related to natural resources shall have increased 93 percent from 66,000 in 1962 to 127,000. A 1968 report of the National Park and Recreation Association concludes that their recreation manpower deficit of 1975 will be 199,000, approximately four times the present manpower deficit of 58,000.

Public protection—In 1968, the projection of public service job possibilities for these 130 cities alone is 57,601.

We also enter this decade as a nation comprised of more than 20 million persons in families that are poor—representing approximately 10 percent of the entire U.S. population. In large part, this problem stems from the general unavailability of appropriate employment opportunities.

And we face today the grim reality of a national unemployment rate of 4.4 percent and the expectation, confirmed by members of the administration that the situation will get worse before it gets better. National unemployment in March was a full percentage point over the unemployment rate of only 3 months earlier. This is the greatest acceleration of unemployment in recent history.

Mr. President, it has been established that as the total unemployment rate changes by 1 percent, the teenage jobless rate changes on the average by 1.4 percent and the rate of unemployment among minorities changes by 1.5 percent.

The administration's plan for slowing down inflation and the economy is clearly aimed at putting a squeeze on corporate profits and corporate productivity. Intellectually this plan may have merit, but it has the dangerous practical side effects which I have noted. Corporations faced by flagging profits and weak markets will try to improve efficiency, to become lean and tough. This is good. However, principles of business economics tell us that this often means reducing the work force in the first instance.

With our public service needs and our unemployment situation in mind, the minority members of the Joint Economic Committee—which includes Senators MILLER, JORDAN, PERCY, and myself—recommended last month that the administration consider a limited number of public sector jobs as well as training to deal with rising unemployment.

Mr. President, I propose that we begin now to meet both our public-service needs and the need to provide meaningful opportunities for our disadvantaged by including a community service man-

power program as part of our future manpower efforts. And I shall propose in my amendment that we provide the Secretary of Labor with automatic additional resources in a magnitude linked to the extent of unemployment, to be used for community service programs or training, as he sees fit.

COMMUNITY SERVICE MANPOWER PROGRAMS

Under the proposed Manpower Training Act, introduced in the Senate on August 12, 1969, as S. 2838, the administration has proposed a decentralization of manpower training activities in the following three phases: First, State administration of 25 percent of apportioned funds when the State designates a "lead agency" and develops comprehensive manpower planning capability and an approved comprehensive manpower development plan.

Second, State administration of 66½ percent of the funds when it establishes: first, a Comprehensive Manpower Agency to operate the unified programs in accordance with an approved plan; second, a State manpower planning organization to coordinate all manpower related programs, and, third, arrangements to designate mayors as area prime sponsors.

Third, State control of 100 percent of its apportioned funds when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

The amendment which I will offer will authorize additional funds for "community service manpower programs" as an integral part of the State comprehensive manpower development plan.

The basic program of public-service employment which I propose would not be a make-work program of the kind that formed the crux of our efforts during the depression of the 1930's, nor a program proceeding on the concept of government as "the employer of the last resort."

I propose a program which recognizes the real needs of the public sector, the occupational links between that sector and the private sector, and the necessity of providing community service in such a way as to respect the needs of the individuals and to provide for the advancement of individuals involved.

Under any proposed amendment, a community-service manpower program would be developed on the basis both of an analysis of and an organization of tasks and skills into a career hierarchy with increasing responsibility and pay within the employer agency. This would provide the "upward mobility" for those without skills and education that James Farmer, Assistant Secretary of HEW, called for in an April 27 speech to a labor convention here in Washington, D.C. Under my proposed amendments, community service manpower programs would be developed and coordinated with secondary, post-secondary, and higher-education programs qualifying persons for advancement; and with para-professional opportunities commensurate with their ability, education, and experience. Under the State plan, employer agencies granted funds for support of employment would be re-

quired to specify in specific terms the type of career opportunities involved. Technical assistance would be provided to train supervisory and adult basic education personnel and to analyze and develop career opportunities.

For fiscal year 1971, \$500 million would be authorized; and for fiscal year 1972, \$800 million. At an average cost of \$6,000 per job, there would be provision for 83,300 public service jobs in the first year, and 133,000 such jobs in the second year.

Under the amendment, funds would be apportioned among the States on the basis of the extent of unemployment and underemployment and the number of disadvantaged persons. Under each State plan funds would have to be focused on eligible urban and rural areas, which would be designated by the Secretary of Labor. Eligible urban areas would include those containing a high concentration of low-income families and individuals, and having severe problems of unemployment and underemployment. A rural area would be regarded as an eligible area if it contained a high proportion of low-income families and individuals and had severe problems of unemployment and underemployment or substantial emigration of individuals residing in such areas as a result of the problem of finding employment.

In order to qualify for assistance, community service manpower programs would have to be carried out in such a manner as to benefit the residents of urban and rural areas with high concentrations of low-income families. The States could utilize up to 25 percent of the jobs except in smaller States, where the Secretary could approve a greater percentage. The program would also provide for the involvement of community-action agencies and similar groups wherever feasible and for the conduct of programs by corporations, partnerships and other business entities owned in substantial part of unemployed low-income residents of one or more eligible areas. Provisions would be included to insure the development of standards, fiscal control and evaluation.

TRIGGERING OF FUNDS FOR COMMUNITY-SERVICE PROGRAMS AND TRAINING IN THE EVENT OF RISING UNEMPLOYMENT

The administration's Manpower Training Act contains in title V, a provision providing for an automatic appropriation of manpower funds in the event that national unemployment exceeds 4.5 percent for more than 3 consecutive months. Under the proposed act, an additional 10 percent of appropriations would be provided in that event. At current appropriations levels, this would result in approximately \$160 million in additional funds.

Under the administration's bill the automatic appropriation is to be used for training and related activities.

Under my proposed amendment, two changes would be proposed in the administration's provisions:

First, the amount of manpower funds to which the 10 percent would apply would be increased by the amount appropriated for community-service programs. Assuming the fiscal year 1971 a

full appropriation of the funds authorized for community service and a maintenance of the current manpower effort for this year, the 10 percent would apply to approximately \$2 billion.

Second, my amendment would provide for additional automatic appropriations as unemployment rises above the 4.5 percent national unemployment level. For each two-tenths of 1 percent increase in 3 consecutive months, an additional appropriation of \$100 million in manpower and community service funds would be automatically provided.

At 5.5 percent national unemployment, an additional total appropriation of \$700 million would become available.

The Secretary would have the discretion to direct the funds into training or community service manpower programs without regard to apportionment, whichever he considers to be most effective in alleviating the situation. In order to protect those who would receive opportunities as a result of additional funding, the amendment requires that, to the extent that the Secretary channels funds into community service manpower unemployment programs, he do so in occupations that will most likely expand within the private sector as unemployment subsidies.

The amendment requires that the Secretary shall spend such additional funds only if they may be effectively used. Funds not used would return to the Treasury.

Mr. President, with an administration bent on halting the inflationary spiral, the dialog has focused on what does or does not constitute a "tolerable" or "acceptable" level of unemployment.

If we are to be true to the needs of the millions of the disadvantaged in our country, we should be talking in terms of a full employment policy instead of in terms of what does or does not constitute a "tolerable" or "acceptable" level of unemployment. In any case, we have fixed a standard beyond which unemployment is unacceptable and we should, at least, implement that standard.

The President has aroused the attention of this country to the issue of the "environment." As we pursue the environmental goal, let us have firmly in mind that our social environment merits at least equal attention with our physical environment. And most important, let us tie both of these historic efforts to the unsatisfied needs of disadvantaged persons for employment. I agree with Assistant Secretary Farmer; the job of improving the quality of life of the poor—be they unemployed or underemployed—is, as he says, "the great unfinished task of democracy."

Mr. President, this is essentially what my amendment proposes—that we recognize the personnel needs to improve the quality of life, that we establish a program to insure that the disadvantaged have an opportunity to employment in those new areas that we provide for additional opportunities as unemployment becomes more severe.

I shall be seeking cosponsors for my amendment in the coming days and I hope that Members, particularly those of my own party, will cosponsor this

amendment to the administration's Manpower Training Act, which I consider essential in view of the developing economic crisis in our country and the grave dangers which unemployment poses, both to the tranquillity of the Nation and to its economic security.

Mr. President, I yield the floor.

CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11102.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. YARBOROUGH. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. HUGHES) appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is now in the period for the transaction of routine morning business, with statements limited to 3 minutes.

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PENNY A POUND FOR SOLID WASTE DISPOSAL

Mr. PROXMIRE. Mr. President, in April my distinguished colleague from Wisconsin (Mr. NELSON) introduced a bill (S. 3665) which deserves the attention of every Member of the Senate. Senator NELSON, who is universally recognized as one of the Senate's foremost leaders in environmental control, has proposed legislation which would put us

on the right road in our fight to control solid wastes.

S. 3665 would establish a national disposal fee for all packaging materials. The fee would be based upon the weight, composition, biodegradability, and reuse capacity of the packaging material. As the fee is collected by the Federal Government, it would be earmarked for a revolving fund, to be made available to municipalities for constructing more adequate solid waste treatment facilities. Seventy-five percent would be granted on a per capita basis, the remaining 25 percent on the basis of need.

In addition to providing money which is desperately needed for new facilities, the Nelson legislation would create an economic incentive for the reuse, return, and recycling of packaging materials. To the extent that such disposal fee is based upon the weight of the packaging material, it would encourage manufacturers to use lighter packaging, and thereby cut down substantially the costs of waste collection and disposal.

Mr. President, as Senator NELSON points out, the amount of packaging we use has risen astronomically in the past 12 years, and it shows no sign of abating. In 1958, total consumption of packaging in the United States was 35.4 million tons. By 1966, this figure had risen to 51.7 million tons, and by 1976, a scant 6 years from now, it is estimated that we will be using 73.5 million tons of packaging a year. The rise in glassware consumption has been even more dramatic. From 20.2 billion units in 1958, consumption had grown to 29.4 billion units in 1966, an increase of almost 50 percent in 8 years.

Mr. President, Senator NELSON's bill is an excellent one, and I support it enthusiastically. But I believe it should go further. As written, it only attacks part of the problem. To make major inroads into our solid waste problems, I believe more is required.

S. 3665 would apply only to packaging. Packaging represents only a portion of the solid waste which we generate. According to the Department of Health, Education, and Welfare, less than 15 percent of our solid wastes comes from packaging materials. In 1966, for example, 51.7 million tons of packaging were produced and sold in the United States. Of this amount, HEW estimates that 90 percent, or 46 million tons, entered the stream of solid wastes to be disposed of. Overall, solid wastes totaled some 350 million tons in 1966. In other words, packaging accounted for only 13 percent of residential, commercial, and portions of industrial wastes that were generated in 1966. The 13 percent figure is roughly the same from year to year.

It is clear, Mr. President, that a bill which covers packaging only would not reach the vast bulk of materials which our solid waste facilities dispose of each day. A simple example will illustrate this. If I buy a package of paper plates for a picnic, I throw the cellophane wrapping in the garbage right away. But an hour later, the paper plates themselves are ready for disposal, too—and the plates comprise over 90 percent of the original item. But S. 3665 would only reach the cellophane packaging material, even

though our solid waste disposal facilities must handle both the cellophane and the plates.

And what about newspapers? What about automobiles? What about periodicals, and clothing, and furniture, and appliances? Our disposal facilities are burdened with these every day. But S. 3665 does not cover these items. More encompassing legislation is needed.

Accordingly, I suggest that S. 3665 be modified as follows: First, the national disposal fee should be imposed upon all goods—except consumables—which are going to require disposal within 10 years of origin. Second, the fee should be imposed at the manufacturing level, and assessed against whoever last prepares the article for consumer use. Third, weight should be the sole criterion in pegging a level for the fee—although items which are reused by the manufacturer, such as returnable soft drink bottles, should be accorded a credit against the disposal fee. And fourth, Congress should legislate the exact fee, and I suggest that a fee of 1 cent per pound would be appropriate.

Mr. President, this idea was first proposed last July to the New York City Board of Trade by Leonard S. Wegman, the board's vice president for environment. Mr. Wegman is also chairman of the Committee on Air Pollution of the United States, and he heads a firm of consulting engineers in New York City which specializes in municipal solid waste problems. This past February he advanced the penny-a-pound idea to the Air and Water Pollution Subcommittee of the Senate Public Works Committee, during hearings on solid waste legislation (S. 2005). I ask unanimous consent that his testimony be included in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. According to Mr. Wegman, the penny-a-pound disposal fee has a number of very attractive features:

It would generate the funds desperately needed by the cities to cope with rising mountains of solid waste. The average municipality spends \$20 per ton for collection and disposal costs, which is what the cent-a-pound fee would raise. As we produce more, and consume more, funds generated by the fee would go up in sufficient amounts to pay for the increasing volume of solid waste refuse.

The fee would encourage manufacturers to develop lighter containers and materials, and this in turn would cut collection and disposal costs. Manufacturers would be motivated to do so in order to shave the cost of doing business. This is essentially the same principle that underlies S. 3181, a bill I introduced last fall which would establish national effluent charges for industrial water polluters. As with S. 3181, a fee based on the quantity of a given item creates an incentive to reduce the quantity.

The fee would be equitable. Each article would be responsible for making good on the burden it imposes upon society. Presumably, of course, the disposal fee would be passed on to the consumer, who

is the appropriate individual to pay for disposal. This is directly in line with the policy established in President Nixon's state of the Union message—namely, that "the price of goods should be made to include the costs of producing and disposing of them without damage to the environment."

A timelag between revenues—from the disposal fee—and outlays—for disposal services—would operate in favor of municipalities. Money would be paid into the fund at the time of production. At the earliest, it would not be needed for several weeks—in the case of food packaging, say. For items such as furniture or automobiles, disposal services may lag as much as 7 to 10 years behind the collection of revenue. The fact that these payments will be collected and be available in advance of the need will enable municipalities to set up contingency funds and to plan pollution-free methods of disposal.

The basis for levying the fee would be extremely simple. Unlike S. 3665, which takes into account criteria such as "whether the packaging is made from virgin or secondary materials," "the quantity of solid wastes which result," "ultimate costs of disposal," "toxicity and health effects," "degradability," and "the likelihood that such packaging will be returned, reused, or recycled into the economy," the penny a pound would be based strictly upon the weight of the article—with the proviso that returnable items would be given a credit against the fee.

I do not doubt for a moment that if all the criteria above were carefully sifted, analyzed, and computed by the Secretary of the Interior, the fee assessed might be slightly more exact. But such a system also leaves the door open for subjective judgments. This could mean a delay in arriving at the fee to be assessed. Moreover, when different fees are assessed against similar articles, as could well happen, claims would inevitably arise that the act was being unfairly administered, and perhaps even that political pressure was involved.

Using weight as the sole criterion and legislatively fixing the rate at 1 cent per pound will circumvent all of this. The cent-a-pound rate would apply across the board, to all goods subject to disposal. The manufacturer would know in advance exactly what the disposal fee would be, and be able to budget accordingly. A 3,500-pound car would carry a charge of \$35; a 5-pound edition of the Sunday New York Times, 5 cents; a box of cereal—the box, not the contents—weighing 1 ounce would be assessed one-sixteenth cent. The sole criterion of weight does away with the executive branch as middleman—except as custodian for the revolving fund—eliminates the chance for political pressures to operate, and provides the key element of certainty. And since the \$20 the disposal fee would generate per ton closely approximates the \$20 a ton it costs the average municipality to collect and dispose of its solid wastes, the cent-a-pound fee would come extremely close to approximating the burden a given article imposes upon society.

Mr. Wegman estimates that the charge would raise approximately \$3 billion a year, given present production and consumption levels. This would enable Federal and State governments, he says:

To mandate the highest standards of environmental protection in the handling of solid wastes.

Moreover, 5 percent of the \$3 billion that is generated—\$150 million a year—would be available for research and development in methods of collecting and treating solid wastes.

Mr. President, this is the kind of comprehensive approach that we must have to do the job. To be effective, any solution to the pollution crisis must provide a steady source of funds, coupled with an incentive for polluters to control the waste they generate. A nationwide disposal fee would do both. Senator NELSON's proposal is an excellent one, and I strongly urge my colleagues to support it. But I also urge them to recognize that packaging is only part of the problem. Bold steps, affecting virtually every aspect of production, manufacturing, and consumption, are needed to cope with our solid wastes.

To do less would only mean delay. And delay, Mr. President, is something we can scarcely afford.

EXHIBIT 1

STATEMENT BY LEONARD S. WEGMAN

Thank you very much for your invitation to participate in this inquiry into the accelerating solid waste problem.

I am Leonard S. Wegman, President, Leonard S. Wegman Co., Inc., consulting engineers, whose specialty is municipal solid wastes. I am also Chairman of the Committee on Air Pollution of the Consulting Engineers Council of the United States and Chairman of the Solid Wastes Committee of the New York Board of Trade's Business Council on Environment.

Your Subcommittee on air and water pollution deserves a resounding vote of gratitude and confidence from all municipalities which face the threat of environmental chaos. Your studies and inquiries have identified the problems and are leading us toward solutions. I am proud of the opportunity to appear before you and to offer recommendations which may assist you.

Bill S. 2005 has commendable goals. Its underlying philosophy is that Federal funds should—in the traditional but time-consuming process of application, analysis, conferences, investigation and competition among municipalities—be granted to cities to help them meet solid wastes needs and for research and planning.

But I am sorry to advise you that this traditional approach—partial grants for plants and research—will fall far short of the cities' needs. Why? Because the collection, handling and disposal of refuse by cities is no longer a simple job of removing kitchen garbage and leisurely sweeping the streets. It has become, instead, an absolutely essential step in our national production process.

Let me show you two of many reasons why the residential and commercial discards of our enormous production capacity are now descending on the municipality at a totally unforeseen rate of close to 6 lbs. per person per day. (See paper consumption graph and plastic consumption graph, both compared with U.S. population growth 1950 to 1969.)

From 1950 to 1969 paper consumption has more than doubled. In 1969 it was 576 lbs. per person in the United States and the upward trend is now rising geometrically compared with population growth. An even more radical growth occurred for plastics. Although

per capita plastics consumption is only 15% of paper it has jumped 759% since 1950.

Here we begin to see the futility of depending on conventional municipal revenue structures to meet this onslaught of production, use and discard.

Perhaps some day we may find a way to change these consumption curves—or at least relieve the cities of the problem. But for the time being, we're going to have to live with them.

Our people are just not going to give up the convenience, sanitary and labor-saving aspects of single-service usage—so-called disposables. Nor are they going to stop buying improved appliances, furniture and new automobiles, and the manufacturers are hardly going to shrink from meeting this legitimate public demand. We can't wait for solutions based on research, recycling, re-use, automatic decomposition and the like. Too many obstacles lie in the way; too much time will have to elapse before they become feasible.

Consider that we Americans discard about 1 ton per person per year of refuse. This is nearly 6 lbs per day of refuse from all non-industrial sources, including household garbage (about 8% of the total), general rubbish, trash, commercial wastes, exhausted refrigerators and automobiles, building demolition, landscape waste, litter, and the like. Each morning New York City faces a load of 22,000 tons of solid wastes (that is one acre piled 60 ft high); Buffalo, 1,100 tons, metropolitan Boston, 7,000 tons.

Through no fault of their own, municipalities have been left holding the bag at the tail end of the most marvelous production system the world has ever known. And the irony is that to date we have brushed aside the need to equitably pay the cities for the job they have to do with solid wastes. It is a credit to the municipalities that they are coping—against constantly escalating demands for dollars for police, fire, welfare and education.

A municipality spends \$8 to \$20 per ton to collect and deliver refuse to the disposal point. Disposal costs range from \$2 per ton for a simple refuse landfill up to \$7 to \$10 per ton for a modern high temperature incinerator with effective environmental protection systems. Combined collection and disposal costs thus vary from \$10 to \$30 per ton, and \$20 per ton is a fair average.

Present methods of obtaining the money to pay this \$20 per ton vary. Municipalities with the highest refuse volumes usually apply an ad valorem property tax and include refuse-related disbursements in their annual expense budget. But assessments against taxable property are inequitable because they are almost wholly unrelated to the sources and volumes of refuse and to the service required. Schools, hospitals and similar institutions are largely exempt from any property tax but generate major volumes of refuse. City recreation areas, streets, and similar public places are also sources of refuse but produce no property tax revenue.

We have the technology and the hardware to collect and dispose of solid wastes within every current standard for avoiding air, land and water pollution. But we don't have the money. What we need to do is to get the money to where the action is—to the cities. Optional grants will not do the job. They are not "the way to go". I, therefore, now respectfully offer the detailed version of the concept I proposed in July 1969 as Chairman of the Solid Wastes Committee of the New York Board of Trade Council on Environment. My proposal is:

(1) *That a national disposal fee of one cent per pound be imposed at the manufacturing level on all goods and on their packaging. I believe such a fee would generate the needed funds, and be fair to all.*

(2) *That the equity of such a fee system is that each article—which is ultimately going to require collection and disposal services*

as solid wastes—directly and by itself, generates the funds needed for such services.

Such a system can be developed based on the simple principle of assessing at the point of manufacture a charge of 1¢ per lb against all items which are going to require disposal within 10 years from origin. Packaging, glassware, clothing, refrigerators, bedding, washing machines, television sets, automobiles—all of the items which are expected to become refuse within 10 years—can be assessed 1¢ per lb for final collection and disposal. An automobile weighing 3500 lbs would carry a charge of \$35; a dress weighing 2 lbs would carry a charge of 2¢ and a 30 lb upholstered chair 30¢. A box of cereal (but not the cereal itself) would be charged 1/16th of a cent assessment on the 1 oz of packaging. Paper plates, towels and cups, plastic cutlery, candy wrappers, toothpaste containers, beer cans, soda bottles, cigarette cartons—all of these would be assessed at 1¢ per lb of weight as manufactured.

(3) *That the manufacturer, who last prepares the article for consumer use, would pay the 1¢ per lb. Obviously, the manufacturer is going to pass most of this charge on to the consumer, who is the proper person to pay for disposal of the article. The consumer already pays for the cost of an article's design, material, manufacture, distribution, sale and delivery to him—all for the purpose the article serves while he uses it. The price to the consumer will be increased slightly to pay the cost of the article's eventual collection and disposal when he discards it as solid waste and looks to his city to take it away.*

Please refer to the Total Product Cost chart and observe why the municipality's task of collection and disposal of a product when it becomes solid waste is a logical and necessary link in our production system. But while all other links are equitably provided for, refuse disposal remains an orphan—ignored and unused until your Subcommittee began its great work.

(4) *That such a weight charge would encourage manufacturers to produce lighter and less complex containers. Manufacturers of relatively heavier products would compete under a new handicapping system. Recycling would get a new look (but high labor costs would tend to cancel out any economic benefits).*

(5) *That the manufacturer would pay his assessment periodically into a Federal Government trust fund for all the articles he produces, on a weight basis. This method of accumulating funds for a specific goal resembles the fuel and tire assessments that are paid into the Federal highway trust fund which, in turn, provides most of the money for the Interstate Highway Program. The system is fair because fuel and tire purchasers are major users and beneficiaries of the interstate highway. As is the case with highway construction, the Federal Government is the only agency which is in position to receive and allocate the revenue from the disposal charge because manufactured articles are distributed across the entire country. In effect, the national disposal fee that I propose would translate an assessment on production and weight into a per capita payment, via the Federal Government as the converting agency.*

(6) *That the government would routinely distribute the funds as Federal supplements to all municipalities, per capita, which perform responsible tasks of refuse collection and disposal. A graduated system of payments would encourage municipalities to dispose of solid wastes with a maximum of air, water and land pollution controls. For example, a 60% payment could be made to the municipality with minimum controls; up to 100% to communities with the best control systems.*

(7) *That the local community would continue to decide what form of refuse collection and disposal best suits its own needs. The new money supplements would, how-*

ever, encourage the municipality to do the best possible job, by making it financially possible. In the few instances where adequate funds have been made available for refuse disposal, those U.S. municipalities are meeting all the criteria for effectiveness and protection of the environment.

One example is the Town of North Hempstead, N.Y., population 240,000, where the villages and districts collect refuse, and the Town itself operates a new pollution-free incinerator for refuse disposal. The Town's budget for refuse disposal approximates \$1,000,000 per year, or \$4.15 per person, exclusive of debt service. Additionally, the villages and districts within the Town pay \$7 to \$15 per capita annually for refuse collection. If the Town were to receive \$15 per person per year (\$3,600,000) in Federal supplements, payment would be apportioned among all the municipalities within the Town pro-rata in terms of the refuse services each performs.

A time lag favoring the municipalities will occur between revenue accumulation and refuse services. The government will receive payments for assessable articles within a few months of production and distribution, but collection and disposal services for the discarded articles would not be needed for several weeks (for food cartons) and up to 7 to 10 years (for automobiles and refrigerators). These dependable advance payments to the cities could enable them to set aside the capital and plan pollution-free methods of collection and disposal.

(8) *That discards, such as commercial waste or urban demolition, which have not issued as consumer goods from an established point of manufacture would have to be paid for by the source which sends it to collection and disposal. Similarly, landscape waste would be assessed against the property owner on a per ton basis, or other suitable equivalent such as property size.*

(9) *That the national disposal fee would generate approximately \$3 billion annually at present consumption levels. Of course, it will fluctuate with our economy—which is just fine. More production, more solid waste, more services, and more funds to provide them. Also, the converse.*

Just 5% of the \$3 billion that would be generated by the disposal fee would yield \$150 million for research and development in solid waste management and service. This substantially exceeds that now available through grants for these purposes.

(10) *That the national disposal fee would enable federal and state governments to mandate the highest standards of environmental protection in the handling of solid wastes—because the cities, for the first time, would have a source of money to meet these mandates.*

Mr. Richard D. Vaughan of the Federal Bureau of Solid Waste Management has reported that many of the 300 municipal incinerators in this country are operating below air quality standards. I believe that if adequate funds were available, the greater part of these incinerators could be economically upgraded to meet 1970's environmental standards. The Buffalo, N.Y., West Side Incinerator is an excellent current example. Through expansion, installation of new components and new control systems and a massive rotary bulk crusher absent in the original installation, Buffalo's West Side Incinerator complex has been given a new lease on life and is meeting the needs of the community.

To illustrate one aspect of the improvement, I have here a container filled with the fly ash that would escape from the Buffalo incinerator at the rate of 50 lbs per day for every 1000 persons served by that plant if that incinerator had not been upgraded to current air quality standards. Three years ago Mayor Frank Sedita's administration moved aggressively to design and build an outstanding pollution control system for their 1954 model incinerator. Today that in-

incinerator is no longer polluting the atmosphere over Buffalo. (Brochure of this Incinerator and Air Pollution Abatement Project, City of Buffalo, N.Y., highlights the improvements. Details of performance tests will be introduced at a later date.)

The Federal supplements would provide the critical step between the current less than adequate financial ability to render service and that which can be the best available level of environmental protection utilizing highly trained personnel operating sophisticated equipment.

(11) *That the monies collected and then allocated to the municipalities be treated as supplementary funds and not as substitutes for budgetary allocations for refuse services.* It is important for the municipalities to maintain their current sanitary budgets, for basic services. We would not want to see a repeal of local obligations for a traditional local task. The supplements are to compensate the city for what they are now being called on to do above and beyond their historic functions.

(12) *Each municipality would be required to furnish the administrative agency with a working blueprint of how it would apply the funds to be received from the national disposal fee.* Such a blueprint would be similar to that required for the Model Cities.

(13) *That whether or not a municipality provided full or partial collection and disposal services, the municipality would receive all monies to which it is entitled on a per capita basis, with 60% to be apportioned to collection operations and 40% to disposal.* Where a city contracts with a private agency for any part or all of its refuse services, that portion of the monies for services not provided by the city would be allocated by the city for the express purpose of enabling the contractor to upgrade services to the community—and possibly to enable the contractor to reduce his charges to the homeowner for solid waste services rendered.

(14) *That the Federal administrative agency established parameters for performance and for appraising how a municipality has used Federal supplements to upgrade its solid waste services.*

President Nixon, in his State of the Union message last month, endorsed the concept that the price of goods should include the cost of disposal.

I am happy to advise this Subcommittee that every municipal official with whom I have discussed this concept has heartily endorsed it. I mention, particularly, Frank A. Sedita, Mayor of Buffalo, New York; John F. Downing, P.E., his Commissioner of Public Works; Dr. Merril Eisenbud, P.E., Environmental Protection Administrator of New York City; his deputies, Commissioners Maurice M. Feldman, P.E. and Griswold Moeller, P.E.; Robert C. Meade, Supervisor of the Town of North Hempstead, New York, and Charles Schwab, Director of Public Works, New Haven, Conn.

In summary, the national disposal fee I suggest would:

1. Provide equitable and adequate funding, outside the Federal Treasury;
2. Preserve local decision-making;
3. Help to develop local competence;
4. Give municipalities and their states the opportunity to develop solid waste management regions;
5. Enable the development of balanced solid waste facilities and operations which preserve the integrity of our air, land and water for each municipality and its region;
6. Deal at once with a continuing, mounting problem—while research seeks new systems of recycling, re-use, and other technological breakthroughs in the state of the art of solid waste collection and disposal; and lastly,
7. It will acknowledge that the plight of the municipality in solid waste disposal is

caused not so much by poor planning, mismanagement, ghetto effects and the like—but rather because our zooming gross national product has to end as discards at the cities' curbs. And all the while we have kept the cities utterly deprived of the fiscal balance they must have to meet this onslaught.

A penny a pound will give us cleaner cities, now.

Thank you.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME TO REMOVE THE HOLDOVERS

Mr. DOLE. Mr. President, the town's press, as part of its effort to polarize our youth, is attempting to make much of the resignation of a fifth-level official in HEW.

I am not surprised at the effort—we see and hear it daily—nor am I surprised at the resignation, with its accompanying attack on the President.

I am sure it was programed. After far-out liberals finished trying to incite college students, this was a natural follow-on.

Unfortunately, however, for our young resignee—whose name, by the way, is Toby Moffett—the Washington Post told too much about him.

He is hardly a major executive if his pay of \$11,200 is indicative. Beyond this, he is not a Republican. And even beyond this, he is a holdover from the previous administration.

It is obvious he had no loyalty either to the Republican Party, to the President or, despite his protestations, to the Secretary of HEW. He was merely biding his time, at taxpayers' expense, to see when he could most effectively hurt the administration.

I should like to suggest to the administration that as long as they have this kind in their midst, they will be certain to have political betrayals.

It is nothing to be surprised at, but only emphasizes what many have said all along—it is time to remove the holdovers.

TRAGEDY AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, one has reason to wonder whether the adjutant general of Ohio or his deputy in command of Ohio National Guardsmen at Kent State University instructed guardsmen on the subject of riot control measures.

It is evident, if so, that such instructions differ from the regulations and instructions suggested by Pentagon officials. A Pentagon spokesman stated that loaded weapons are very definitely the exception rather than the rule for troops assigned to riot duty.

Unfortunately, according to Col. John Simmons in the Ohio Adjutant General's Office:

It's the policy of the adjutant general's office that our troops will not go out for riot duty without loaded weapons.

This lame-brain political-military officer asserted:

Every man has the right to defend himself.

He said there was no order for the Ohio guardsmen to open fire. Then this fellow made the startling statement:

A guardsman always has the option to fire if he feels his life is in danger.

I report, Mr. President, following an on-the-scene investigation and following talks with Kent State University students who were on the campus last Monday, that no shot had been fired until the soldiers of the Ohio National Guard started shooting. Guardsmen, and no one else, are guilty of doing all the shooting.

According to the rules prescribed in the field manual for National Guardsmen, Pentagon officials state:

Task force commanders are authorized to have live ammunition issued to their men but they are not supposed to load or fire their weapons except when authorized by an officer in person.

Also, the manual states:

In a riot, a show of force is recommended first, then riot-control formations, water hoses and riot control agents such as tear gas. If these fail, gunfire by marksmen preselected . . . specially trained and thoroughly instructed is the next step. Fire power is described as an "extreme measure" . . . a last resort to be used "only after all other measures have failed."

Ellen Glass, 23 years of age, a student at Kent State University, was a member of a group of students fired upon by the National Guard. Ellen stated to me by telephone that the National Guard blocked off an area where students had gathered protesting against our invasion of Cambodia. As the crowd grew larger, guardsmen moved forward hurling tear gas. Some students at a distance of 100 to 200 yards hurled some rocks toward the guardsmen; perhaps as many as 10 or 15 rocks were thrown. Also some tear gas containers were hurled back toward the guardsmen.

Then she said the guardsmen, perhaps 100 or more, moved forward toward the group of students standing and shouting between Verder and Taylor Halls. As the students around Taylor Hall were in the path obstructing the Guard from returning to the Kent State common area, the National Guardsmen in the frontline wheeled away from their original position, faced the students milling about between the two buildings, knelt, and immediately fired a volley toward Ellen and the other students. No shot was fired at any time before the guardsmen started firing.

Ellen added she was not frightened at first, believing that the Guard were firing blank cartridges. To her horror, she immediately saw students running away and several students lying on the ground wounded. Horror stricken, knowing that bullets had been fired and not blanks, this frightened girl ran away.

Mr. President, this morning I received a letter from a young man living in Akron who was an infantry platoon leader in Vietnam and presently a student at Kent State. He wrote:

DEAR SENATOR YOUNG: I was an infantry platoon leader in the First Cavalry Division

and I believe that I can bring some impartiality and understanding to the events that I witnessed on May 4 on the campus of Kent State University, where I am presently a student.

At approximately 12:20 p.m. I was standing by the power plant looking across the commons toward Taylor Hall. I saw a light company of National Guardsmen were on line and advancing toward me at a walk. The Guard was behind Taylor Hall and at a distance of approximately 300 to 400 meters. They were dispersing an already somewhat scattered crowd. The students now moved behind Taylor Hall and I could not see them. The guardsmen were wheeled to their right and were facing the students.

The Guard was subject to sporadic harassment, however their position on the hill was well above the crowd and anything thrown at them probably would not have reached them with enough force to have caused any injury. I heard no sound of a shot.

At this point the guardsmen, very deliberately and it seemed under orders, took aim and fired a well controlled volley toward the crowd of students. The Guard was given a facing movement to the left and marched to the student union where they took up position. A curfew was declared shortly after and I went home.

Had I witnessed this event in Vietnam, I would have regarded it as murder, and I cannot help but do so now.

JON T. OPLINGER.

Mr. President, four youngsters called good students—earnest, serious—were killed in this burst of National Guard gunfire.

It is most unfortunate that many members of the Ohio National Guard were 18-, 19-, and 20-year-old high school or college dropouts. I know that some of those hundreds of Ohio National Guardsmen involved in this killing were in this category.

Mr. President, I have a news item from the Evening Star referring to these four. I ask unanimous consent that this news account, published in the Evening Star of Washington, D.C., be printed in the RECORD at this point.

There being no objection the article was ordered to be printed in the RECORD, as follows:

KENT STATE SHOOTING VICTIMS: FOUR CALLED "GOOD STUDENTS—EARNEST, SERIOUS"

Allison Krause, 19, one of the four students who died in a burst of National Guard gunfire at Kent State University yesterday afternoon, graduated last June from John F. Kennedy High School in Silver Spring.

She is remembered there as a sensitive, pretty girl who "had a great deal of feeling for people and the things around her."

"She was by no means a militant," said Leah Cutler, director of guidance at Kennedy. "She was a good student, an earnest, serious one. She sort of enjoyed a small group of friends."

Allison spent three years at Kennedy. Right after her graduation, her family, including a younger sister, Laurel, moved from their home on Saddlebrook Drive in Silver Spring to Pittsburgh. Her father was a production planner for Westinghouse.

At Kent State, Allison is recalled as a gentle girl who frequently carried a kitten around the campus.

Last Sunday she placed a flower in a National Guardsman's rifle barrel and said, "Flowers are better than bullets."

Early yesterday, she telephone her parents expressing disapproval of the demonstration on the campus.

"She was completely disgusted with the whole thing" said her father, Arthur Krause

of Pittsburgh. "And now she's dead. Why in hell couldn't they have fired blanks, or tear gas, or something besides live ammunition?"

Allison, who celebrated her 19th birthday April 23, was quoted by United Press International as being a believer in the peace crusade but telling her father "it was a terrible way to ruin property."

"She said it was the boys' way of telling the President that they didn't want to fight in Cambodia," Krause said.

The girl's mother, Doris, added, "I don't blame 18-year-olds for not wanting to go to Cambodia and be killed. I had a daughter and now she's dead."

The Krauses had lived in Pittsburgh previously, before moving to the Washington area.

Allison was interested in becoming a teacher, and Miss Cutler felt she would have been a good one. She was a freshman education major at Kent State.

"She was a very mature girl for her age, with a lot of poise and sophistication," Miss Cutler said. "She had a very solid, good academic record with us."

The other three victims of the fatal blast, as described by Associated Press and United Press International dispatches, were:

William Schroeder, 19, of Lorain, Ohio, was a psychology major curious about the causes of campus violence. He had talents for sports and music.

"He was quite a basketball player for Lorain High School," said a neighbor, Police Inspector Maurice Mumford. "And he was quite a musician. He played the trumpet."

"He won a scholarship to the Colorado School of Mines in Denver last year," Mumford said. "He put in his freshman year there and then transferred to Kent State at the beginning of this academic year. He was too far away from home so he decided to enroll at Kent."

"He was a good, quiet kid," he said. "I think he was in ROTC at Kent. There was no reason for him to be in any demonstration."

Jeffrey G. Miller, 20, of Plainview, N.Y., was described by a hometown high school friend as "studious, not rebellious," and "quiet and intelligent."

The white shingled suburban house where he grew up was empty last night except for a black cat sitting silently on the front walk.

Miller's one-time tennis partner, Jacqueline Ribaud, had a hard time picturing the youth dead on the campus of an Ohio college.

"To my knowledge he was never involved in trouble of any kind," she said. "He was a very nice fellow and very athletic."

Miller was the son of Bernard Miller, a news photographer whom neighbors said had recently separated from his wife. The couple had one other son, Russell, 22, a recent graduate of Michigan State University.

Sandy Scheuer, 20, of Youngstown, Ohio, was a pretty girl with long brown hair. She spent a lot of time cooking.

Her parents, Mr. and Mrs. Martin Scheuer, had considered a trip to Pittsburgh to visit a daughter and celebrate their 27th wedding anniversary yesterday. Instead, they made an urgent trip to Kent.

A neighbor of the Scheuers, Mrs. T. H. Wrench, said Sandy, a junior majoring in speech therapy, was not involved in any political activities "to my knowledge."

"She lived in a house off campus with several other girls," Mrs. Wrench said. "She did most of the cooking and spent a lot of her time in the kitchen."

Rabbi Richard Marcovitz, a friend of the Scheuer family, reported friends and parents of the girl said she was not involved in the rally.

"She had been trying to avoid the disorder while walking to class when she was shot," Marcovitz said. "She was not a political activist as far as we know."

Mr. YOUNG of Ohio, Governor James Rhodes has said that last Monday was the saddest day in his life. Jim Rhodes has been one of the most industrious Governors Ohio has ever known. Millions of Ohio citizens and men and women throughout the Nation hold him in high admiration and respect. Mr. President, I am one who admires Gov. Jim Rhodes and am glad to be considered his friend. I know of no other Ohio Governor in the past 50 years who has worked any harder than he as chief executive of our State. Governor Rhodes has every reason to think that the Ohio guardsmen and its officers let him down.

A trigger-happy guardsman reportedly fired his rifle accidentally. Unfortunately, other trigger-happy guardsmen fired a fusillade of shots almost immediately. The only casualties, if they may be termed such, suffered by guardsmen were that one fainted and another was stricken with a heart attack. It may be that a few other guardsmen were bruised by half-filled cannisters of tear gas being hurled back at them or by some rocks striking them. On the other hand at least 14 students of Kent State were seriously wounded by rifle fire, some of whom are in critical condition at this time.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON TRANSFERS OF AMOUNTS APPROPRIATED TO THE DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on transfers of amounts appropriated to the Department; to the Committee on Appropriations.

PROPOSED LEGISLATION TO ELIMINATE REQUIREMENT FOR QUADRENNIAL PHYSICAL EXAMINATIONS FOR MEMBERS OF FLEET RESERVE AND FLEET MARINE CORPS RESERVE

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the requirement for quadrennial physical examinations for members of the Fleet Reserve and Fleet Marine Reserve (with an accompanying paper); to the Committee on Armed Services.

PROPOSED TRANSFER BY DEPARTMENT OF THE NAVY OF LANDING CRAFT VEHICLE, PERSONNEL

A letter from the Assistant Secretary of the Navy, Installations and Logistics, transmitting pursuant to law, a notice of the proposed transfer of the Landing Craft Vehicle, Personnel (LCVP) Hull No. C103301 to the Board of Commissioners, Gravity Drainage District No. 4 of the Parish of Calcasieu, La.; to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE FURTHER ADJUSTMENTS IN THE AMOUNT OF SILVER CERTIFICATES OUTSTANDING

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

REPORT OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE ON APPROVED GRANTS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant

to law, a report of grants approved by the Department, which are financed wholly with Federal funds during the period January 1, 1970 to March 31, 1970 (with an accompanying report); to the Committee on Finance.

REPORT OF THE SECRETARY OF THE TREASURY ON BALANCES OF FOREIGN CURRENCIES ACQUIRED WITHOUT DOLLARS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on rental rates for barges used in the Republic of Vietnam included costs previously recovered by contractor, Department of the Army, dated May 6, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED GRANT AGREEMENT WITH THE UNIVERSITY OF MISSOURI FOR A RESEARCH PROJECT

A letter from the Director, Bureau of Mines, Department of the Interior, transmitting, pursuant to law, a proposed grant agreement with the University of Missouri at Rolla, Mo., for a research project entitled "Investigation of the Use of Shaped Explosive Charges for Increasing Permeability of Coal" (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following concurrent resolution of the Legislature of the State of Hawaii, which was referred to the Committee on Finance:

S. CON RES. No. 59

Concurrent resolution requesting that the United States Congress, in its consideration of H.R. 14465 assure the retention of the existing ticket tax exemption afforded State and local employees traveling on official business

Whereas, H.R. 14465, as presently pending in the United States Congress, would repeal the existing exemption of State and local employees from the ticket tax when traveling on official business; and

Whereas, the efficient administration of the State and local governments of Hawaii demands the attendance of numerous conferences, seminars, and special events throughout the mainland United States by its State and local employees, many of which are in connection with federal programs; and

Whereas, the distance of approximately 2,500 miles from the State of Hawaii to the nearest point on the Continental United States necessitates travel over considerable spans to reach various mainland destinations; and

Whereas, Hawaii's State and local employees possess no alternative expedient and less costly means of transportation to the Continental United States, such as is available to employees of the other mainland State and local governments traveling shorter distances except by common carrier; now, therefore

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that the Congress of the United States be requested, in its consideration of H.R. 14465, to assure the retention of the existing ticket tax exemption afforded State and local employees when traveling on official business; and

Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President and the Secretary of the Senate of the United States; and the Speaker and the Clerk of the House of Representatives of the United States; the Honorable Daniel K. Inouye, United States Senator; the Honorable Hiram L. Fong, United States Senator; the Honorable Spark M. Matsunaga, United States Representative; and the Honorable Patsy T. Mink, United States Representative.

THE SENATE OF THE STATE OF HAWAII

HONOLULU, HAWAII,

April 27, 1970.

We hereby certify that the foregoing Concurrent Resolution was adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on March 31, 1970.

DAVID C. MCCLUNG,
President of the Senate.

SEIICHI HIRAI,

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

HONOLULU, HAWAII,

April 27, 1970.

We hereby certify that the foregoing Concurrent Resolution was adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on April 21, 1970.

TADAO BEFFU,

Speaker, House of Representatives.

GEORGE M. JAKANE,

Assistant Clerk, House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YOUNG of Ohio, from the Committee on Public Works, without amendment:

S. 3778. A bill to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo. (Rept. No. 91-849).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, without amendment:

S. 774. A bill to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes (Rept. No. 91-850).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation (Rept. No. 91-851).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for Mr. MONTROYA):

S. 3816. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Finance.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DOMINICK (for himself, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, Mr. SCHWEIKER, and Mr. SMITH of Illinois):

S. 3817. A bill to promote higher education throughout the Nation by providing general assistance to colleges and universities; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3816—INTRODUCTION OF A BILL TO AMEND TITLE 38, UNITED STATES CODE

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTROYA), I introduce, for appropriate reference, a bill to increase the rates and income limitations with respect to certain veterans, widows of veterans, and parents of veterans. This bill also provides that the Administrator of Veterans' Affairs shall continue to furnish such drugs and medicines so ordered to any such veteran in need of regular aid and attendance whose pension payments have been discontinued solely because his annual income is greater than the applicable maximum annual income limitation, but only so long as his annual income does not exceed such maximum annual income limitation by more than \$500.

The Senator from New Mexico welcomes and solicits the support of all his distinguished colleagues for this legislation to improve the lot of our deserving veterans.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3816) to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes, introduced by Mr. MANSFIELD (for Mr. MONTROYA), was received, read twice by its title, and referred to the Committee on Finance.

S. 3817—INTRODUCTION OF HIGHER EDUCATIONAL GENERAL ASSISTANCE ACT OF 1970

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, Mr. SCHWEIKER, and Mr. SMITH of Illinois, I introduce for appropriate reference the Higher Education General Assistance Act of 1970. This bill is identical to H.R. 16622, developed and introduced in the House by the Congressman from Minnesota, Mr. QUIE. It provides general financial assistance to public and private nonprofit institutions of higher education.

This bill is designed to complement S. 3636, the Higher Education Opportunity Act of 1970. It will give balance to the comprehensive administration bill.

This bill would essentially authorize direct grants to institutions of higher education, based on the number of baccalaureate degrees granted, and to community colleges on full-time equivalent enrollment in regularly established credit or certificate programs. The grants are made on a formula basis on a sliding scale. The formula gives more money for the first few hundred degrees than for greater numbers of degrees so that smaller institutions would receive more assistance per student than large institutions. This approach recognizes the economies of scale found in large institutions. Community colleges receive 15

percent of total appropriations and 4-year institutions the balance. Funds received by the institution may be used for any "academically related programs."

I ask unanimous consent that a chart showing how this formula works be inserted at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

	Total cumulative degrees
Degrees awarded:	
\$500 for the first 200 degrees	200
\$400 for the next 300 degrees	500
\$300 for the next 500 degrees	1,000
\$200 for the next 1,000 degrees	2,000
\$100 for any over 2,000 degrees	

Example: College with 715 baccalaureate degrees would receive:

200 x \$500	= \$100,000
300 x \$400	= 120,000
215 x \$300	= 65,000

715 ----- 285,500

Examples:	
College with 100 degrees would receive	50,000
College with 300 degrees would receive	100,000
Colleges with 600 degrees would receive	250,000
College with 1,000 degrees would receive	370,000
College with 2,500 degrees would receive	620,000

1967-68 Bachelor's (4 or 5 years) degrees awarded

Number of degrees:	Number of institutions
Less than 100	400
100 to 200	351
200 to 500	381
500 to 1,000	178
1,000 to 2,000	100
2,000 to 3,000	36
Over 3,000	22

Mr. DOMINICK. Mr. President, I feel this bill can provide funds more efficiently, at low administrative cost, to higher education institutions than present categorical programs. It would also provide funds for these institutions to spend on their needs solely as they determine without tempting them into activities which are not real priorities or designed as they would like or which cost more in matching funds than the institution should spend. These grants would allow these institutions to choose alternatives to programs which do not meet their needs and supplement matching funds for other Federal programs.

As drafted, the bill contains "opened authorization" which, as my colleagues know, I do not generally support. However, the most recent figures available for number of degrees granted are 1967-68 figures. Under these figures, the cost of this bill is estimated at \$265,601,294. Figures for the current year should place the figure at least at \$300 million for fiscal year 1972, when it would take effect. This matter must be considered in committee, and I will offer amendments at the appropriate time setting out realistic authorization amounts.

The higher education bill proposed by the administration offers many innovative approaches to Federal support for higher education, particularly in the area of student assistance. The Education Subcommittee of the Labor and Public

Welfare Committee will commence hearings soon on that legislation, of which I am a cosponsor. The administration bill does not provide any direct support for institutions, however. I am fully sympathetic with the efforts to stay within realistic budget figures, and I realize we could not commence such a program of institutional grants, as proposed in the bill I introduce today, this coming fiscal year. In this regard, I would point out that this program would not commence until fiscal year 1972.

I am concerned about the cost of this program. I feel, however, that this program can reduce the need for some present categorical assistance. The administrative costs would be much lower than present categorical programs, and the institutions could better use their available resources to meet their particular needs. This concept has been discussed in Congress for the past several years. I feel it is time we seriously investigate this approach to financing our institutions of higher learning. I would hope my colleagues on the Labor and Public Welfare Committee would agree with me, and hearings could be held on this bill with the administration's Higher Education Act and related proposals.

Mr. President, I ask unanimous consent that a chart be printed at this point in the RECORD showing the funds which would be provided institutions of higher education in each State.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COST FIGURES—"HIGHER EDUCATION GENERAL ASSISTANCE ACT OF 1970"

	General assistance based on baccalaureate degrees awarded (85 percent of appropriation)	General assistance based on FTE enrollment in 2-year colleges (15 percent of appropriation)	Total (100 percent)
United States and outlying areas	\$225,761,100	\$39,840,194	\$265,601,294
50 States and the District of Columbia	224,829,100	39,729,400	264,558,500
Alabama	3,497,500	560,259	4,057,759
Alaska	102,000	3,096	105,096
Arizona	1,765,900	632,444	2,398,344
Arkansas	2,347,600	78,475	2,426,075
California	16,010,600	11,537,951	27,548,551
Colorado	3,162,700	330,253	3,561,655
Connecticut	3,263,100	398,955	3,662,055
Delaware	424,500	126,082	550,582
Florida	4,438,000	2,297,708	6,735,708
Georgia	4,161,400	539,778	4,701,178
Hawaii	612,200	5,290	617,490
Idaho	935,200	201,268	1,136,468
Illinois	10,393,200	2,415,694	12,808,894
Indiana	5,945,600	119,083	6,064,683
Iowa	4,486,800	562,065	5,048,865
Kansas	3,594,600	395,342	3,989,942
Kentucky	3,814,900	64,412	3,879,312
Louisiana	3,976,900	73,314	4,050,214
Maine	1,315,100	5,128	1,320,228
Maryland	3,313,600	622,671	3,936,271
Massachusetts	9,735,800	1,120,325	10,856,125
Michigan	7,742,300	2,093,376	9,835,676
Minnesota	4,917,400	458,400	5,375,800
Mississippi	2,681,500	663,602	3,345,102
Missouri	5,712,400	673,859	6,386,259
Montana	1,165,000	32,416	1,197,416
Nebraska	2,627,700	109,633	2,737,333
Nevada	344,800	0	344,800
New Hampshire	1,475,100	36,673	1,511,773
New Jersey	5,735,600	536,810	6,272,410
New Mexico	1,206,000	37,318	1,243,318
New York	20,912,000	3,678,874	24,590,874
North Carolina	5,912,200	935,152	6,847,352
North Dakota	1,325,900	143,016	1,468,916
Ohio	11,074,100	498,395	11,572,495

	General assistance based on baccalaureate degrees awarded (85 percent of appropriation)	General assistance based on FTE enrollment in 2-year colleges (15 percent of appropriation)	Total (100 percent)
Oklahoma	3,486,500	303,804	3,790,304
Oregon	2,905,400	569,129	3,474,529
Pennsylvania	14,883,800	1,018,336	15,902,136
Rhode Island	1,634,600	172,013	1,806,613
South Carolina	2,702,500	253,584	2,956,084
South Dakota	1,629,800	9,999	1,639,799
Tennessee	4,788,900	241,198	5,030,098
Texas	10,684,500	2,282,580	12,967,080
Utah	2,096,000	101,601	2,197,601
Vermont	1,036,400	57,832	1,094,232
Virginia	4,655,900	574,870	5,230,770
Washington	3,747,900	1,461,803	5,209,703
West Virginia	2,458,400	81,313	2,539,713
Wisconsin	5,470,500	401,438	5,871,938
Wyoming	371,800	121,535	493,335
District of Columbia	2,082,900	91,248	2,174,148
American Samoa	0	0	0
Canal Zone	0	20,385	20,385
Guam	42,000	0	42,000
Puerto Rico	890,000	90,409	980,409
Virgin Islands	0	0	0

Note: Information is based on baccalaureate degrees awarded in 1967-68 and estimated full-time equivalent enrollment in 2-year institutions for fall 1968. Cost for fiscal year 1972 would, of course, need to be adjusted upward.

Source: U.S. Office of Education.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3817) to promote higher education throughout the Nation by providing general assistance to colleges and universities, introduced by Mr. DOMINICK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 7, 1970, he presented to the President of the United States the enrolled bill (S. 2452) to amend section 211 of the Public Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

ADDITIONAL STATEMENTS OF SENATORS

RIVERDALE, UTAH, SETS PATRIOTIC EXAMPLE

Mr. BENNETT. Mr. President, in the clamor over the wave of violence that has hit many of our Nation's campuses and cities during the past week, it is refreshing to find solid evidences that patriotism is still alive and important to many Americans.

One such evidence is being very thoughtfully presented this week in Riverdale, Utah, which has proclaimed this as "Fly the Flag Week." Although the week's events were planned prior to the latest rash of turmoil in America, it could not have come at a time when Americans were more in need of reexamining the greatness of this country, and their dedication to its finest ideals.

Residents in Riverdale have invited all Utahans and, indeed, all citizens of the

United States to join with them in flying the flag which symbolizes our love for this great Nation. During the current week, flags have been flying alongside the main road through Riverdale and from many of the city's homes. A patriotic parade and program Friday afternoon will highlight the week.

On behalf of Riverdale, its mayor, Gail C. Sanders, and the State of Utah, I extend this invitation to other American cities to fly the Stars and Stripes in support of our country.

MR. AND MRS. WILLIAM LARSON CELEBRATE 60TH ANNIVERSARY

Mr. MANSFIELD. Mr. President, rarely do we have an opportunity to extend congratulations to constituents who are celebrating 60 years of marriage.

Today it is with a great deal of pleasure that I extend my personal regards and good wishes to Mr. and Mrs. William Larson, 1044 Central Avenue, Billings, Mont. The Larsons are celebrating their diamond jubilee after having lived in Montana for some 60 years. Mr. Larson homesteaded in central Montana in 1909, and 1 year later married, bringing his wife to the homestead near Lavina.

Constituents like the Larsons have been a source of strength to the State of Montana. They settled in the Treasure State early, raised their family, contributed to the economic welfare of the State and remained on to spend their years of retirement.

During this time of conflict and turmoil, it is indeed heartening to learn of such happy circumstances. Mrs. Mansfield and I are pleased to have this opportunity to make note of this fine occasion.

THE ROLE OF THE PUBLIC IN ACHIEVING CLEAN AIR: A STATEMENT BY THE CONSERVATION CHAIRMAN OF THE NATIONAL COUNCIL OF WOMEN

Mr. YARBOROUGH. Mr. President, on February 5, 1970, Mrs. Carter F. Henderson, conservation chairman, National Council of Women, New York, N.Y., made a thoughtful statement to the Citizens Workshop on Air Quality for Metropolitan San Antonio. This workshop and her statement are indicative of the sort of interest to the problems of environment quality that we must generate among our people if we are to face this threat to our earth.

The past 30 years have shown us that Government efforts and Government spending alone will not solve the great problems confronting our society. We must have the people's participation and support of these efforts if we are to achieve our goals.

I ask unanimous consent that Mrs. Henderson's statement, entitled "The Role of the Public in Achieving Clean Air," be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE ROLE OF THE PUBLIC IN ACHIEVING CLEAN AIR

(By Hazel Henderson)

After years of struggling by millions of citizens, by farsighted organizations such as

The Conservation Foundation and by a few courageous legislators and public officials, the environmental pollution issue has at last burst through to the public's consciousness. We are promised from the President on down a now-or-never fight to restore and protect our air, water and land. The politicians, government and business officials—our leaders, in fact—have finally begun to catch up with the people!

All this is encouraging, but as a battle-scarred veteran of the pollution fight, I am waiting to see how many of the brave words result in action. For the sad truth of the matter is that action to clean up our polluted environment is usually bitterly contested by most of the industries which are causing a large part of the problem. The citizen must understand this if he is to be effective. Admiral Hyman G. Rickover says that today's citizen must be well-informed "if he is to cope with the huge public and private power conglomerates that now dominate our society and interpose themselves between the American people and the men elected to public office, making it increasingly difficult for the popular will to assert itself wherever it goes counter to the interests of large organizations." He adds, "This is particularly serious when the people find they must call on their government to protect them against misuse of technology by one or another of these large organizations. So great is the power of these organizations that normally the interest of the sovereign people in getting laws enacted and enforced does not carry as much weight as the interest of organizations in continuing their harmful practices."

This is the crux of our environmental pollution problem, and it is particularly valid here in San Antonio, where the largest proportion of your air pollution emanates from four large corporations in Detroit. Here is the dilemma expressed in the words of an average citizen who wrote this letter to the *New York Times*:

"DEAR SIRS: I am disturbed and offended by your editorial statement (Oct. 6) that the Capitol building belongs to the nation. This is a good example of the kind of muddled thinking that has led to the student revolt, riots, and crime in the streets.

"In the interests of peace, plenty, and the American way of life, you must print the truth:

"The Capitol building belongs to Senator Eastland.

"The air belongs to General Motors.

"The water belongs to U.S. Steel.

"The mountains belong to Con Ed.

"The oil belongs to Secretary Hickel.

"The air waves belong to NBC, CBS, and ABC.

"The courts belong to the rich.

"The taxes belong to the working man.

"Poverty belongs to the poor.

"Rickets belong to the hungry, etc., etc."

I contend that average citizens in this country are way ahead of their elected officials in their understanding of ecology. It's the machinery to channel their participation efficiently that is lagging behind.

Laymen today seem to have an almost intuitive understanding that maximizing short-term profits by minimizing the life sustaining environment is sheer madness. They are rightly demanding an entire re-ordering of the priorities of a nation that spends vast sums on weapons of death and technological frivolities such as the supersonic transport, while starving the vital programs to sustain life, protect the environment and, to quote the Constitution, "promote the general welfare"—a specific responsibility with which government is charged.

This meeting here today in San Antonio demonstrates again the wisdom and common sense of the citizen and layman. You have realized that whether it's pollution or keeping freeways out of Brackenridge Park that the time to act to keep your city's beauty and environmental quality is now—while

there is still time to plan, and that prevention is the key. Many other communities have seen the awful example of cities like New York, Chicago, Los Angeles, Washington, and dozens more where pollution was allowed to reach crisis proportions of death and sickness. You are wisely choosing to preserve your environment from this needless degradation.

It's encouraging to note that finally economists are coming around to the view that corporations are no longer going to be able to get away with what they call "externalizing costs," that is, not accounting for all the true costs of producing their product, including the cost of preventing polluting by-products from escaping into the air, water or landscape.

Formerly the always inexact discipline of economics has considered air and water to be "free." Now eminent economists, J. Kenneth Galbraith and Kenneth Arrow and others, speaking recently at the annual meeting of the American Economic Association, claim that these major tenets of traditional economics are now invalid. Dr. Galbraith argued that it is no longer the consumer who is king but the producing company whose power has enabled it to pollute the environment with impunity. Economists themselves are now beginning to argue in favor of the "stick" for polluting companies rather than the gentler "carrot" approach of friendly persuasion and tax incentives. Giving tax incentives to companies, they claim, will only result in subsidizing those corporate activities that contribute most to pollution and offer no inducement to managers to find more efficient ways to eliminate harmful waste products. Many economists now argue for strict legislation and the levying of fines on companies for each pound of wastes dumped in the public air and water. These new environmental strategies and concepts on the part of economists would put the cost and burden of meeting strict standards on the companies, which in turn would raise the price of polluting products and discourage their use. What's really encouraging is that finally some of these "experts" are coming around to the citizens' point of view. We citizens have been saying all these things for years and have been roundly put down by all the so-called experts on company and sometimes on government payrolls who apply so much unsound technology with so little thought to the consequences. At last, we average citizens are beginning to see through these arrogant pseudo-experts.

I believe that citizens have become so intimidated by all these so-called "experts" that many of us are almost brainwashed into feeling that we have no right to any opinions. This is dangerous nonsense! We need the views of non-specialized laymen more now than at any other time in our history. For laymen tend to judge the nation's allocation of resources by broad, humanistic standards. They tend to ask those two vital questions: "What will this program do for people; and how will it affect the quality of life—not only now, but the lives of our children in the future?" And since these two yardsticks are really the basic legitimation for all forms of government, we need to hear them asked today on a massive scale.

Consider the recent behavior of the experts on the Massachusetts Public Health Council. Although the recent hearings in Boston on air quality standards were attended by a record number of citizens and civic organizations pressing for strict standards, these "experts" ignored their testimony and set some of the worst standards in the country. They arrogantly reasoned that the citizens were incapable of knowing what was good for their own health and must leave the decision to the experts! Such experts often feel that citizens should stop burning leaves, support their control officials and stay out of things! Meanwhile, under their expert guidance the local power company generates

power in the same old way, and the oil industry is permitted to continue selling the same high-sulfur fuel oil, and leaded gasoline, and the real estate developers are allowed to keep on building apartments with the same old-fashioned incinerators, and Detroit whom no one has yet tamed keeps producing the same old poisonous cars!

Nevertheless, citizens seem to understand that the targets for change must be the biggest polluters—not the smallest; not visible smoke, but the volume of pollutants whether visible or invisible. Consider the sort of red-herring arguments the auto industry uses to confuse the citizen. They imply that the individual citizen is responsible for automobile pollution, merely because he bought the car and then turned the ignition key to drive it. No mention is made of the manufacturers' responsibility not to sell a product that is a health and safety hazard. Their negative attitude about their own responsibility for the some 60% of America's air pollution problems has finally made the public realize that only massive pressure affects them. Both New York and California have filed conspiracy suits against them, charging that they suppressed development of anti-smog devices since 1953. If they would stop spending millions trying to doctor up the outmoded internal combustion engine, it has been estimated by a Senate Committee that they could have developed a pollution-free engine 20 years ago—and San Antonians, incidentally, would not have 496,300 tons of carbon monoxide to cope with each year. As it is now, many citizens have been driven to bringing law suits and boycotts against the auto companies.

The Clean Air Council of citizens' groups in California has begun a drive to boycott General Motors, which Ralph Nader claims is alone responsible for 35% by weight of all America's air pollution.

Similarly the power companies, if criticized, would simply spend millions of dollars on advertising ads to refute charges, and then have the effrontery to ask for a rate increase! You may have seen some of these ads recently where the power industry charges that a few meddling conservationists are "pulling the plug on America." But we citizens have no money to buy full pages in the papers to set the record straight. Another shocking example of this sort of thing was the so-called public service ad run recently by the Standard Oil Company of New Jersey. The double-page spread claimed that "by 1978 auto pollution will be less of a problem than it was in 1928." This kind of deception was enough to prompt Senator Warren Magnuson to protect the public by filing a complaint with the Federal Trade Commission. A similar series of ads run by Phillips 66 extolling their "clean air motor oil" are equally misleading. Then there are those infuriating ads depicting a rugged natural landscape with a clear rushing river, telling you that you owe all this not to the Almighty, but to the courtesy of the "XYZ logging company."

We finally realized that the only way to get equal time in the court of public opinion was to use the same tools of advertising and public relations that the companies were using—but we would have to get help as a free public service. We found a generous, concerned agency willing to donate the campaign to us, and they found us a public relations firm also willing to handle us as a charity account. Since then, so many citizens' groups now compete for free public service time and space that it is almost impossible to get the messages aired. And the Advertising Council, which is the clearing house for most public service ads, understandably prefers the non-controversial ones such as "Smoky Bear" or "Give to the College of Your Choice."

A good place for any new citizens' group to start is to find out what the biggest sources of pollution are in your area. Most good gov-

ernment control agencies begin here, with what they call an "emission survey." There is no reason why citizens should not take the lead in this job. Then investigate what air pollution laws you already have on the books and how they are enforced. You will often find, as we did, that administrative and legal procedures can render the laws useless. Sometimes it is lack of money for sufficient inspectors; sometimes it is the log jam of court cases; sometimes it is judges who don't take air pollution offenses seriously. And sometimes a polluting company will use endless delaying tactics by claiming that it's trying to clean up but needs more time, and it will apply for all manner of exemptions and variances even to laws already on the books!

Another very real problem is posed when a local or federal government control program is announced with great fanfare but without real teeth—a sop to public opinion, signifying little progress. This kind of progress by press release is all too common, both with government and industry, and is all the more treacherous because the public is lulled into thinking that the problem is being handled.

Sometimes citizen participation in formulating air quality standards, which is an integral part of the 1967 Amendments to the Federal Clean Air Act, is thwarted by all manner of tactical and logistical difficulties. Dates and locations of hearings are not publicized adequately by state officials, or they are changed without notice, sometimes as a result of industry pressure on local politicians.

Recently, industry groups in Pittsburgh, when they heard that a citizens' workshop on Air Quality had been planned, went to State officials and got the date of the hearing advanced so that the citizens would have no time to prepare testimony. The citizens fought back, flocking to the hearings, which resulted in the setting of stringent standards. In Ohio and Illinois, an active, alert citizenry made all the difference. 3000 attended the Cleveland hearings and almost as many attended in Chicago, and Ohio and Illinois have excellent standards as a result. But constant vigilance will be needed to see that these standards are implemented without backsliding.

Now let's look at the politicians to whom we delegate the job of implementing our collective will. They are supposed to hear all sides of the issue and then determine a compromise. In a mass, highly-organized society, here again they hear the opinions of all those groups who are well enough organized to press their views. But the countervailing voice of the public as a whole must be heard too, if the right decision is to be reached. I love this definition of how a statesman differs from a mere politician. "A statesman is an upstanding man, who stands upright due to equal pressure on all sides." This isn't cynicism, it's democracy; and this is why the citizens must keep the heat on. And the larger and more organized the special interest groups become, with their national advertising, campaign contributions and expensive Washington lawyers, the more citizens are needed to counteract this power with their own numbers.

This massive involvement of ordinary citizens is the best way of reminding elected and appointed officials that they are supposed to represent the broadest public interest, not special interests.

Democracy can only work in air pollution control when there is a rapid and undistorted flow of information to the citizen on what his rights are, when hearings are to be held, what control systems are available, etc. Information is what is also lacking when decision-makers make the wrong decisions. They get the facts from all the special interest groups, but few facts on what the voters think. Now this is where citizens have a hard time, because they must compete

with experts who can withhold or distort facts to support their case. Citizens, therefore, must prepare verbal ammunition for their confrontations with polluters.

First, here is the overall argument to justify your right as a layman to participate. It is vital for us all to understand that even though we are not experts, our views and moral and esthetic values are perfectly valid as testimony. In fact this is the whole purpose of the democratic process. If everything were to be judged by the "value-free" criteria of economists and scientists, there would be no way of expressing the collective moral and ethical judgments which are the basis of any society's conception of its highest purpose and goals, as well as its juridical and political system. All these matters are for the social sciences, the humanities, philosophy and religion. These disciplines do not rely on quantifiable exchange values—but on higher metaphysical values. These higher values must be expressed if a society is to have a rational concept of itself. In fact, this argument should be your all-purpose put-down when any corporate or government official dares to suggest that your subjective value judgments are unimportant. However, since the Clean Air Act forces us to express these values in numerical terms such as parts per million and micrograms per cubic meter, we will do it. But don't let yourself get drawn into scientific arguments. Get the expert off his ground and onto yours. Tell him that your interest is political science and that the democratic political process exists to express the collective values of its citizens.

Now a list of put-down to the most frequent arguments used by polluters:

1. *Pollution isn't really a health hazard.* Answer: Statistical evidence correlating air pollution with illness and death is readily available from the National Air Pollution Control Administration, your local Cancer Society or Tuberculosis Association—so have pamphlets handy as ammunition.

2. *Pollution isn't a problem in this area.* Answer: Since we know pollution contributes to the development of many human diseases, and we know that it can be blown hundreds of miles and respects no political boundaries, the best protection for our citizens is setting standards to prevent further degradation.

3. *The company would like to control pollution, but doesn't know how.* Answer:

Many polluting companies will insist that no technology exists to rectify the situation. The best tactic for citizens faced with this problem is to obtain a list (from any stock brokerage house) of all the major companies who manufacture and sell air pollution control systems. In fact, let me give you some of their names right now. American Standard, Combustion Engineering, Joy Manufacturing, Wheelabrator Corporation, Air Correction Division of Universal Oil Products, Research Cottrell, Zurn Industries, Honeywell, Combustion Equipment Associates, Slic Corporation, Buffalo Forge, Hart-Carter Corporation, Dorr-Oliver, to mention a few. A host of other companies manufacture a full line of water pollution control equipment and non-polluting solid waste disposal systems. If you would like a full report on these companies in the pollution control industry, ask your broker; you may want to buy stock in them too. Then your group can offer your assistance to the polluter in locating the right company to call in and design the control equipment. Tell them very sweetly that without any fee, your group will arrange for a salesman or engineer to call and give them a free estimate! If the company drags its feet, your group can buy a share of stock and bring the subject up at the next annual meeting. Far too few people realize that these companies can tackle most pollution problems.

4. *The Company would like to install control equipment but can't afford it.* Answer:

Not only is the equipment available, but there are federal tax incentives; and in many cases, they will save enough valuable materials from going up in smoke to pay for the equipment. Add that the company is going to have to spend the money sooner or later, and with current inflation they might as well do it now and get a public relations benefit. If a company official still argues about cost, say you are writing an item for your organization newsletter and you want to quote his answer to this question, "You say pollution control equipment is too expensive; well, don't you think people are worth it?" Incidentally, a good general rule for citizens is never to become too friendly with those nice public relations men or even sometimes with your own control officials, or you will become so sympathetic to their problems that you lose sight of the larger, public interest. It's of little use to waste your time with public relations men anyway, because they have no power to commit the company. Instead, insist on seeing the highest local official, or communicate directly with the President at the corporate headquarters. Another good technique is to recruit the wives of local company officials to join your group. There's nothing like the Trojan Horse strategy!

Here is another specific put-down you may need to counter a fashionable technical sophistry which claims that reducing sulfur oxides may increase photochemical reactions and lead to more of this type of smog. Your answer is simply that this is an unproven theory, whereas sulfur oxides have been reliably correlated with morbidity and mortality rates in all major air pollution episodes. Finish triumphantly by asking the "expert" whether he seriously wishes to proceed on the basis of a wild hypothesis when statistical evidence indicates a conservative, preventive approach?

Another argument often used by power companies and oil suppliers is that there isn't enough low-sulfur oil or coal available to meet the standards. Here you can cite our experience in New York, where our new law says that no oil may be brought into the city if it has more than one percent sulfur. At first the companies told us the same thing, warning us of power blackouts, no heat and other dire things! Then after our Clean Air Law was passed, the biggest oil supplier simply built a \$50 million de-sulfurizing plant in Venezuela and now removes the sulfur there and sells it. If the world price of sulfur keeps rising, this basic raw material will be too valuable to waste and will more likely be extracted from all coal and oil before burning it.

If a company representative threatens that if standards are made stricter they will move the plant to another state—your only reply is to warn that if they do, citizens will unite and press for a law for national emission standards uniform for all states. And never forget one of the most basic put-downs when costs are mentioned. Reply that on a total-system accounting basis, clearing up air pollution will save at least \$8 billion dollars nationally and provide a big boost to our rapidly developing pollution control industry as well as thousands of new jobs. The usually cited figure on the cost of clearing up air pollution damage (excluding medical treatment and loss of man-hours, etc.) is some \$11 billion. *Fortune* magazine says the cost, both for enforcement and equipment to control this pollution, would be only some \$3 billion. Ergo! A national saving of \$8 billion, with clear sky and healthy, happier people in the bargain!

Yet another problem is that of educating over-zealous Chambers of Commerce who invite industry in with a blank check to pollute the air. They must understand that it's cheaper for a company to build in controls than to add to them later. Local boosters

may warn that if stringent standards are set it will be impossible to attract industry. This is a largely unfounded fear. If a company has done a full-scale feasibility study on a new plant location and finds the area favorable in terms of transportation, labor pool, location in relation to raw materials and markets, it is unlikely to alter its decision because of pollution control standards. It knows that these standards are tightening up all over the country and it might as well learn to live with the inevitable. Also the standards will ensure that the area will remain a desirable one for good employees to live in and raise their families.

In fact, today some of the largest companies in the nation are coming around to the once denounced notion that strictly enforced uniform national standards are needed for all forms of industry pollution as well as for use of scarce natural resources. William F. May, Chairman of the American Can Company, put it this way: "We are going to have to accept centralized authority much as we abhor the idea," if we are to have "uniformity of obligation and restraint" on all corporations. The way things stand, the corporation who is a "good guy" and spends money on controls is then penalized by his competitor who can still operate more cheaply. I suggest writing to the company for a copy of Mr. May's speech and then quoting him in your testimony.

Finally, in all your dealing with business and government, remember: have a research group constantly obtaining the best information from all sources, but never forget that your safest ground is to speak as humanists and generalists to advocate the public interest. Sure, it is difficult to get this kind of quasi-technical information. But dig for it. Often it is just not aggressively reported in the news media.

The voter today must rely on the mass media and their inevitable editorial biases in selecting what news to present. Here again, an organization with sufficient money can buy time and space in the mass-media to get its message across; but the citizen must rely on the mimeograph machine and word of mouth or on attending small meetings.

So we must also begin demanding that our local newspapers, radio and television stations pay as much attention to a citizen's organization as to the government press release or the corporation press handout. We in New York besieged our local newspapers, magazines, radio and television stations, not to cover our activities, but to help uncover the local problem and pinpoint the sources of pollution. You are fortunate in San Antonio to have the leadership of Channel 9 KLRN-TV. We helped provide local news media with sources of medical information and what the current technology offered by way of solutions. In most cases, the reporters are eager to help—it's more often the editor or publisher who kills the story. Sometimes the editors will say that a group of citizens meeting to try and clean up the air is not news. They are not interested in all the quiet law-abiding citizens who try to build and improve the community. They only like bad news. Many of them would send reporters rushing if the some citizens formed a picket line. But because we prefer to discuss these matters in a rational, law-abiding manner, we are ignored and cannot get our message through.

You may have noticed how many militants of all kinds have learned this lesson well. They know that to attract the news media's attention they must create a "happening," hold a dean hostage, throw a rock or start a fire. Even in environmental issues citizens are learning about the media's predilection for action and drama rather than reason and calm discussion. As the old press dictum goes, it's "rape, riot and ruin that sells newspapers." Students captured all the headlines

where others have failed for a decade in interesting the media in the problem of the internal combustion engine. Recently they held a mock burial complete with open grave, placards, marching and all the rest, and this put the issue on the front pages. Another problem arises when newspapers or broadcasters don't want to cover a story which may embarrass or point a finger at one of their advertisers. And yet, media's vital role in a democracy demands that their highest duty is to inform the voter without fear or favor. Already our children by the time they are sixteen have spent more hours in front of the television set than in the classroom. Over 50% of our citizens now receive their news from TV rather than from newspapers.

Recently, Vice President Agnew drew our attention to the truth that enormous power over public information and opinion is wielded by a handful of network executives. We must remember that broadcasting too is big profitable business supported by many of the same companies that pollute our environment. Unlike newspapers and magazines, these broadcasters are licensed to use the public airwaves only as long as they serve "the public interest, convenience and necessity." Because only so many frequencies are available they are required by the Federal Communications Commission to adhere to standards of performance which include regular consultation with community organizations, devoting adequate time to cover local and community affairs, as well as national news and documentaries. They must present all sides of each issue fairly and give adequate time to responsible presentation of views opposing their own or those expressed in their programs. They must not run more than a certain number of commercials and must give a proportion of this time to free "public service" spots. All these citizens' rights in broadcasting are spelled out in the Communications Act of 1934 and in FCC regulations. So stations must be pressured to devote much more time to cover the national and community issues of the day; to initiate TV town meetings and emulate such new public affairs shows as "The Advocates" on KLRN Channel 9, which recently took up discussion of the California bill to outlaw the internal combustion engine. We must insist that stations devote more children's viewing hours to "Headstart"-type programming, such as "Sesame Street," also on Channel 9, and to shows exploring the world of nature and science or teaching about ecology and pollution, rather than the mindless, violent cartoons and adventure shows. Of course we don't want government censorship; we want more news, more hard-hitting, creative public affairs coverage like the recent NBC show on the automobile smog problem. Not less freedom of the press—but a broadening of the First Amendment's freedoms for our newsmen and reporters to dig and uncover problems such as environmental pollution while there is still time to cope with them.

In short, we must re-involve citizens in running this country. If we want clean air we are going to have to fight through the bureaucratic maze to get it! We can re-order our nation's priorities if enough of us become involved. The national Teach-In on Environment that students are planning for campus and community leaders on April 22nd will involve our brightest young people and should be supported by all of us. Right now, many medical research programs have been crippled by budget cuts, and as Professor Arnold Reitze of Case Western Reserve University noted recently, our entire national annual air pollution budget would hardly buy one wing of a new military aircraft! And even our aero-space companies are realizing that future government contracts are likely to be for pollution control, mass-transit, and other domestic needs, rather than military

hardware. This new emphasis on domestic priorities was evident recently when citizens banded together on water pollution control. They pressured the Congress into appropriating \$800,000 for the national control program—far more than Congress had decided was adequate. We have been lax in our stewardship of this great and beautiful land. Let's make the 1970's the decade when we set all the wheels in motion in government and industry, to reverse this plunder of our environment.

INCREASED RESPECT FOR LAW AND ITS INSTITUTIONS

Mr. BYRD of Virginia. Mr. President, on Saturday, May 2, 1970, the University of Richmond in commemoration of the 100th anniversary of its law school presented an honorary doctor of laws degree to two former presidents of the American Bar Association, Charles S. Rhyne, of Washington, D.C., and Lewis F. Powell, Jr., of Richmond.

Mr. Rhyne delivered an outstanding address, one which I feel should be made available to the Members of the Senate and the general public.

While his theme was Law Day—U.S.A., he emphasized the importance of the three coequal branches of government, and the need to keep them coequal.

Virginia is proud of the University of Richmond, and I am pleased that I could be on the platform for Mr. Rhyne's address and likewise to receive an honorary doctor of laws degree.

Dr. George M. Modlin is president of the University of Richmond, and Dr. William T. Muse is dean of the T. C. Williams School of Law at the University of Richmond. Both are outstanding educators who have contributed much to their fellow citizens.

I ask unanimous consent that the text of the address by Mr. Rhyne be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE STAKE OF AMERICANS IN INCREASED RESPECT FOR LAW AND ITS INSTITUTIONS

(By Charles S. Rhyne)

I am greatly honored by the privilege of addressing this Law Day assembly which celebrates the 100th Anniversary of the T. C. Williams School of Law of the University of Richmond. Especially was I honored to receive your invitation from my life-long friend the Honorable Horace H. Edwards. A major reason for my acceptance was the opportunity this occasion provides to pay tribute to Dean William T. Muse also a longtime friend whose contributions to legal education have added immensely to the high national standing of this outstanding Law School.

I congratulate President Modlin of this great university, Dean Muse and the faculty, your alumni, and the students of this Law School on 100 years of service to the rule of law.

As I noted the list of your distinguished Alumni, I was indeed impressed with the law leadership you have provided in Chief Justice Harold F. Sneed, Horace Edwards, Richmond's City Attorney Conrad Mattox, Vaughan Gary and on and on I could go in their recognition. I must stop as the list is too long in fact 2,000 names long. I am certain your many noteworthy achievements are mere preludes to ever greater accomplishments in the next 100 years. You are in the forefront of legal education, and as I have

learned of your plans for the future I recognize that you will continue to earn recognition for the service you will render to the law and the administration of justice, to the legal profession and to the public. It is a particular personal honor to be on this platform with Lewis F. Powell, one of the greatest American Bar Association Presidents.

To be here as a part of your Law Day—U.S.A. celebration adds a special personal delight. I have a unique interest in Law Day. For it was 13 years ago while President of the American Bar Association that I created the first Law Day—U.S.A. to focus the attention of our people upon our heritage of rule by law and the stake every American has in preserving and strengthening law nationally and internationally.

As we meet on this historic occasion to honor this Law School and the law, we are experiencing the contrast of a shocking wave of violence across our land. Violence in the streets. Violence on campuses. Violent uprisings in courts. Bombing of a courthouse. Bombing of banks. Bombing of office buildings. Bombing of a State Capitol. Violent explosions in an automobile and a home where explosives were stored. Over 20 bombings in Seattle in 3 months. Hundreds of threats of bombings and hundreds of incidents of recent violence across our Nation.

On this Law Day we are also experiencing a wave of law breaking. The increase in murders, armed robberies, house-breaking and other crimes glares daily in the news headlines. The urban crisis, an environment polluted by newly recognized dangers, and rampant inflation are other parts of our background picture of the United States on Law Day—U.S.A. 1970.

Other parts of the Law Day picture are violent wars in Vietnam and the Middle East and threats of violence in Latin America and Africa.

There has never been a more urgent time or a more urgent need for a focus upon the peaceful processes of the law. Many are the constitutional, statutory, ordinance and other law proposals aimed at these problems. So ingrained is our law heritage in Americans that when trouble occurs our people instinctively ask what is the law? They ask why not a new law, or amended law, to cure the trouble or to prevent its recurrence. Certain it is that no right thinking person favors violence, threats, or coercion to advance his interests over the peaceful process of the rule of law.

Ours is a testing period for law. Many dissenters today either knowingly, or unknowingly, criticize justly, or unjustly, or seek to tear down "the system" or "the establishment" which are largely law and law institutions. The way of violence, repression, and coercion must be revealed in their stark contrast to the better way of the law. We must speak up and prove to those who would engage in violence and threats of violence that under our law system they can secure legitimate redress of real grievances and change in the law if current law is inadequate. This emphasis on public knowledge and appreciation of the law as the better way, the only way, is the high purpose and mission of Law Day—U.S.A.

On the positive side of the ledger, Americans today in nearly every line of human endeavor are the most advanced. Science, technology, medicine, and education are examples. You name it. We lead in it. Our material resources are excelled by no other nation. Ours is the highest standard of living in the world. But I hasten to remind that it is not material resources alone which has made America great. America is great because of our towering principles, purposes and ideas—our ideals expressed in the human values we stand for. Values largely wrapped up in the concept of the rule of law.

We have in our Country a rule of law which seeks to provide equality and justice to all our peoples. Our "government of the people, by the people and for the people" is a government governed and guided by a law system of which Sir Winston Churchill said that despite its defects, it is still the greatest system yet conceived by the mind of man.

We are proud of saying we live under the rule of law, not the rule of man.

If I were to describe the strength of the United States in a phrase I would say "individual liberty under law." The words embody our national purpose. On this concept which embodies the moral principles of the natural law, which is the heart and core of Magna Carta and which is the spirit and guiding light of our Constitution and its renowned Bill of Rights, we have built in America a government of which we can be proud. And on Law Day I say we should ask Americans to pause in their busy lives and express their pride in and homage to our law system, our governmental system which has enabled our nation to grow from a sparsely populated wilderness to the greatest nation on Earth.

The intangible concept in our governmental system which makes individual freedom and progress possible in our great Nation is, of course, law and its institutions. It is law that brings order into the affairs of men—that enables them to lift their sights above mere survival, to accumulate possessions, to develop the arts, to pursue knowledge and enjoy life among their fellows.

Law gives the individual security that he could obtain in no other way. Law protects the family and other groups organized for the advancement of their common interests. Law permits the growth of great cities and the development of vast enterprises. In other words, law is the cement which holds our free society together.

Law Day—U.S.A. is dedicated to the creation of a better public understanding and appreciation of this powerful concept and to a more extensive use of it for the benefit of mankind.

This Law School was founded 100 years ago by far-sighted men who had just experienced the violent War Between the States. They knew that the American heritage of rule by law was so firmly ingrained in our people there would be a need for more and more trained lawyers as rule by law was substituted for rule by force. They could envision that though they were starting with three faculty members and 13 students the demands of the law and the profession would insure its steady progress into the great Law School it has now become.

A glimpse at life and the law in the South and in Richmond in 1870 provides not only a wonderful background for this "centennial" celebration but also an excellent perspective for our problems of today. The attacks of today upon our law and our law institutions, executive, legislative and judicial—"the establishment" or "the system" are in many ways reminiscent of the picture and the problems which existed 100 years ago when this Law School was created.

By the Reconstruction Acts of 1867 the former Confederacy was divided into military districts each under the command of a major general. New state governments, subject to Congressional approval, were created one by one as states adhered to the requirements laid down by the Congress for readmission to the United States.

The "bloody shirt" Radicals bent on indirectly punishing the South had in 1866 won more than a two-thirds majority in both houses of Congress. The plan of these Radicals to reduce the judicial and executive departments to subordinate positions and thus prevent opposition to the Radical's program for punishment of the South was at its height. Possessing sufficient votes to override Presidential vetoes, the Radicals in Congress

passed a law prohibiting the U.S. Supreme Court from passing upon the validity of the Reconstruction Acts of 1867. To prevent President Andrew Johnson from making appointments to the Supreme Court, Congress adopted a law providing that whenever a justice died or resigned he was not to be replaced. Thus the Court shrank from 9 members to 6.

In 1868 the House of Representatives impeached President Johnson for demanding the resignation of Secretary of War Stanton in alleged violation of the Tenure-of-Office Act prohibiting such action and making violations a "high misdemeanor." After a two month trial, and by a vote of 35 to 19 for conviction, Johnson was acquitted by one vote—one vote short of the required two-thirds.

The Radicals had installed so-called "carpetbag" governments in the South and kept them in power by the protection of federal troops. General Grant had become President in 1869 with the support of these "carpetbag" governments and their "scalawag" supporters. The Fourteenth and Fifteenth Amendments were required to be ratified by Southern states in order to regain their full political rights.

In 1870 the State of Virginia had just resumed her status as a full-fledged state in the United States. On January 26 of that year, Secretary of State Hamilton Fish sent a letter to the Governor of Virginia telling him that the United States Congress had passed an act to permit Virginia to send representatives to the United States Congress.

On January 27, 1870, a Proclamation was sent out by the Governor, Gilbert C. Walker, to convene the General Assembly of Virginia. On that same day Major General Canby transferred authority to civil administration. Reconstruction had come to an end after five years. Nine years had passed since the state of Virginia had withdrawn her representatives from the Federal Congress. After a long period of war and of political subjugation, the people of Virginia had regained control over their own affairs.

In the wake of the administrative change-over incident to the end of Reconstruction many difficult problems arose, the major problems being legal. At least they were handled as legal problems. Then just as today we Americans somehow shape our great controversies into disputes for our Courts to decide. Conversion from military to civil rule involved such things as changing judges and other governmental officials who had been appointed by the military over to civilian appointment or election. These problems had to be and were resolved by the legal system of the day as that system was then structured or changed, just as the problems of the 1970's must be resolved by our current law system or changes in that system.

In his speech to the Virginia General Assembly in February, 1870, Governor Walker listed the following as problems which would have to be dealt with by the House of Delegates:

- (1) the right of the federal military forces to interfere with the municipal affairs of the City of Richmond;
- (2) the problems concerning the boundary line between Maryland and Virginia;
- (3) the problem of the sale and removal of the penitentiary;
- (4) adjustment of the public debt with West Virginia;
- (5) the problem with the State of Maryland over the oyster beds.

Another interesting situation arose on July 25, 1870. The *Daily Dispatch* of that date reported that due to a conflict between the police department and the mayor that the police captain and his lieutenant were locked up by the mayor and special police were appointed to replace them. Conceivably a very difficult problem in any city at any time! The courts resolved the conflict.

But perhaps the best illustration of the confidence of Virginians in the law at that time was the solution to the problem arising between the Mayors—and I use the plural—of Richmond. For in March and April of 1870 it became obvious to everyone that the City of Richmond had two Mayors.

Such a condition of necessity caused much excitement in the City. This was the greater in that the contesting Mayors were associated with different political parties. The two persons claiming to be Mayor of the City of Richmond were Henry K. Ellyson and George Chahoon. Mr. Chahoon was appointed in 1868, by General Schofield, Military Commandant of District 1. District 1 was created by the Reconstruction Acts of Congress, and Mr. Chahoon held the position of Mayor when on the 26th day of January, 1870, the Senators and Representatives of the State of Virginia were admitted into the Congress of the United States. He held an office under the United States Government.

Mr. Ellyson, on the other hand, was appointed Mayor of the City on the 16th of March, 1870, by the Council of the City under the authority of an Act of the General Assembly of Virginia. An Act which was passed on the 5th of March, 1870 enabling the Governor to appoint members of the Council who took the place of those who had been appointed by the military commander. The new Council appointed Mr. Ellyson. After the appointment of Mr. Ellyson both he and Mr. Chahoon continued to act as Mayor. Needless to say having two Mayors and two police forces acting at the same time created many problems. In fact, the *Daily Dispatch* of March 18, 1870 in one of its lead articles discussed the "municipal war" that was going on in Richmond at the time because Chahoon refused to turn over the control of the police station. On March 19th the *Dispatch* reported on riots in the City of Richmond. These riots continued intermittently through the 19th, 20th and 21st of March.

Mr. Chahoon obtained an injunction against Mr. Ellyson in Federal Court and with the agreement of Chief Justice Chase of the U.S. Supreme Court, it was agreed by the two mayors they would prepare a case and submit the question at issue between them to the decision of the Virginia Supreme Court of Appeals.

Notice, the confidence these Virginians of 1870 in their legal system. So much confidence that even a background of riots in the streets and with an issue which went to the heart of restoring civil control of government, the parties involved still believed so strongly in the legal system that they were willing to submit the case to a legal decision by Governor Walker struck a very familiar note when he said:

"The expenses incident to the Administration of the criminal laws, have within the last few years increased enormously, namely due to the large increase in the number of petty offenses (i.e., larceny, assault and battery)."

The Governor argued that change was needed not only in the laws but in the mode of their administration. He recalled that there were many cases where the property stolen was valued under one dollar. He deplored the fact that even in those cases the defendant would go through the whole process of arrest, examination by a magistrate, commitment on default of bail in the county jail, formal investigation by a Grand Jury, resulting in an indictment and trial by the county court with a petit jury. This the Governor said consumed many days of time and cost the Commonwealth as much as \$75 to \$100. He proposed that those cases where the value of the property stolen was under \$30 should be summarily tried by a Justice of the Peace and said this could be done in two hours or less at an expense not exceeding \$5.00.

Court reform then, as in 1970, was aimed at cutting down of expense and delay. One is reminded of Chief Justice Warren Burger's recent speech on the same subject in which he cites a case involving one defendant who went through 5 trials involving 30 lawyers before 12 trial judges, some 60 jurors, and which case was reviewed by 50 appellate judges at a cost of \$250,000. The tragic aspect being that everyone knew the Defendant was guilty as charged.

But let me return again to the fascinating history of law in Richmond in 1870. The *Richmond Daily Dispatch* of February 26, 1870 in an editorial, argued for the release of a man who was in prison for a long time for reasons no one could determine. It seems that during the change-over from military to civil control the reason for the man being in prison was forgotten.

The effectiveness of the legal system to solve the problems of the post-Reconstruction period rested to a great degree in the great confidence Virginians of that day had in their legal system. A confidence that difficult problems could best be solved by law.

This confidence was manifested throughout 1870 by various Court decisions. For example *Washington, Alexandria, and Georgetown Railroad v. Washington and Alexandria and Georgetown Railroad et al.*, was decided by the Military Court of Appeals in the January term of 1870. This case was then appealed to the new, civil Supreme Court of Appeals of Virginia as constituted in its April session 1870. The appeal was partially on the grounds that the decrees of the Judges of the Court of Appeals who held office under the appointment of the military should not be considered valid when Virginia was restored to the Union. In the November term of 1870 the Supreme Court of Appeals then held that the decrees of these former judges who did hold their office under military appointment when the state was restored to the Union were valid.

In order to bring the case before the Court, Mr. Chahoon as Mayor committed John Henry Bell to prison and Mr. Ellyson as Mayor required Archibald Dyer to give bail for his appearance to answer a criminal charge. Both Dyer and Bell sued out writs of *habeas corpus* for their release. The question for the Court of Appeals then arose from the two petitions for writs of *habeas corpus*. The only question to be determined by the Court was a legal one as to which of these two officers was the rightful mayor of the City and therefore had a right to commit the petitioners to jail.

The case was argued with great zeal and ability by great lawyers and the whole city awaited the decision with great anxiety. On Monday, April 26, a large number of persons were present in the Court room in expectation that the decision would be handed down. But the President of the Court stated that the Court was not then ready to announce its decision. It would, however, be announced at 11:00 a.m. the next day. On Tuesday the 27th of April before the hour of 11:00 arrived, a large crowd of persons were assembled within the enclosure of the tables which formed the bar. The officers of the Court, members of the Bar and parties were seated. Outside of these tables on the sides of the Judges' seats, the room was full of persons standing. Seats in the gallery were occupied. There were even several in the clerk's office. At 11:00 Judges Joynes and Anderson took their seats upon the bench. The other judges were just about to enter. The whole assembly was waiting in silence and expectation. There was heard a crack, and immediately following, a crash. The floor of the Court room to within four feet of the Judges' seats sunk carrying with it hundreds of persons. The gallery followed on the instant. Then immediately fell the false ceiling which piled upon the injured, suffocating

mass which had been carried down into the room below.

The dreadful feature was of course the loss of life. Some 58 bodies were taken from the ruins. The Bar lost heavily not only in number but in the quality of the victims.

The decision which would have been read that day and which came out immediately after the calamity found that Ellyson was the proper Mayor of the City of Richmond. This decision resulted in a smooth transition from that point on. The new Mayor and his police force took over the running of the government.

The structure of the old courthouse was weak. Its stone and pilings could not withstand the burden of the throngs which assembled on that 27th day of April, 1870. Throngs which came because of the interest of the people in witnessing the legal system resolve a conflict—a conflict central to all of Richmond that day. A conflict that the people wanted to see resolved under the rule of law.

This old courthouse is a symbol of the judicial system of that time. In converting from military to civil control of the legal system, the law of the day was greatly in question. But there was a strength in the legal system surpassing any weakness. A strength inherent in the confidence of the people in their legal system itself. Today our major need is to reawaken and renew the confidence of Americans of 1970 in our law system. The law system warrants their confidence but few indeed have paused to even consider this true fact.

Under our system of Government in 1870 and now, Law is indeed the safeguard of freedom, the arbiter of justice, and the protection of freedom. No person is so big or important that he is above the law. No person is so insignificant that he cannot look to the law and its institutions for protection. The aim of the rule of law is equal justice by providing a single standard of rights and duties which apply to every individual. And our governmental institutions executive, legislative and judicial each have an important role to play in carrying out this great national purpose of equal justice, equal opportunity for all.

Law Day spotlights the values of the rule of law to our people. These are liberty, equality and justice. They are our most precious heritage from the historic days before 1870 and the decades after 1870. Law Day also spotlights our institutions which make our rule of law, our system of law, work. These are the executive, legislative and judicial branches at each level of government.

Many of the some 100,000 statements and speeches Law Day has motivated in each of its 13 years of existence have focused upon the need to reform or update some part of our law or some change in our executive, legislative and judicial institutions. Many of these speakers have called for reform of specific laws or cited the need for new law to meet needs caused by scientific, technical, social and economic progress. This year will witness the same outpouring of ideas, evaluations and suggestions as the adequacy of our law system to meet the requirements of the decade of the 1970's is evaluated.

In our daily pursuits, it is easy, almost natural, to take for granted our institutions of the rule of law which make up our governmental structure. Seldom do we focus upon these institutions as distinguished from the persons who hold offices in these institutions. Law Day affords an opportunity to the American people to pause and reaffirm their dedication to both the rule of law and to the legal institutions of which it is composed.

Those institutions under our separation of powers doctrine are largely divided into executive, judicial and legislative at each level of government. These three separate branches operate as brakes upon each other. They are

specifically designed to create a balance of power. The checks they have on each other are our best insurance against the tyranny of absolute power in any one branch of government. It is an over-riding purpose of Law Day—U.S.A. to increase knowledge of, and thus respect for, and appreciation of, these vital institutions as well as for law rules. On Law Day we should review the status of each governmental institution on each level of government and take action to increase respect for each of these institutions in order that we may increase respect for the rule of law. And on Law Day we should recall to those who would tear down the "establishment" or "the system" that these are made up of law and without these law institutions our rights as Americans cannot exist.

Law Day is designed to stimulate discussion and debate on the current status and values of our law and of each law institution. It thus affords an opportunity to consider the processes provided by law for their reform, or updating, to cause better service to our people. Dean Roscoe Pound has said that law is "experience developed by reason, and reason tested by experience." He cited our law system's capacity "to keep that which is good, and cast aside that which is bad, because the criteria for testing is deep seated in moral and ethical considerations."

On the National level on this Law Day—U.S.A. I call upon the American people for increased respect and appreciation of the Institution of the Presidency of the United States. President Richard M. Nixon has earned increased respect for this great Institution by the tremendous job he has done and is doing in this most difficult of offices. He has conducted himself with care, candor, dignity and a capacity which honors and enhances the great office he holds. But I am not here to praise Richard Nixon again as I confess that I have been doing that for more than 30 years. I am here to cite the immense importance to every American of the Institution of the Presidency. Regardless of one's views of Richard Nixon, Lyndon Johnson, Harry Truman, Abraham Lincoln or any other President, the great Office is of vital importance to every American. Our system of the rule of law cannot operate if we allow the tearing down of the Presidency. We must explain to the people their personal stake in this great Institution so they will honor the office even though they disagree with the views and actions of the person who occupies it. I am not asking for any cessation of criticism of any President, as criticism is too a vital part of our democratic system. I do call for protection and preservation of the Institution by maintaining for it the respect it deserves.

Moving to the Judiciary I call upon all Americans for increased respect for the Supreme Court of the United States and increased respect for our entire Federal Judiciary. To me this is an imperative of our day, this Law Day. One need not agree with all of its decisions to respect the value and importance of the Institution of the U.S. Supreme Court. That Institution is vital to the preservation of the constitutional rights of every American. If we allow an impairment of confidence in our judiciary we will have eroded that basic and most essential insurance of liberty of the individual in our Country—our independent judiciary. Sure it stands in the center of great controversy as that is its very reason for existence. Disappointment by the losing one-half the litigants is inherent in the system. "Independence" implies the power to be wrong as well as to be right and I do not ask that criticism of court decisions end. I myself have vigorously urged change in decisions but also urged respect for the institution which handed down the decisions I sought to change. Mr. Justice Brewer once said:

"It is a mistake to suppose that the Su-

preme Court is either honored or helped by being spoken of as beyond criticism."

Governmental paralysis under the Articles of Confederation which provided no such Court to decide great law issues proves the necessity for and the vital role of the Supreme Court.

It was a great Virginian, Chief Justice John Marshall who said:

"The judicial department comes home in its effects to every man's fireside, it passes upon his poverty, his reputation, his life, his all."

And the pinnacle of the judicial department is the U.S. Supreme Court.

Coming now to the Congress of the United States I call for a vast increased respect for that great Institution which has served our Nation so well throughout all the years of its existence. We can increase respect for the Congress by increasing knowledge of the functions and responsibilities performed by our Senators and Congressmen. I can assure you, after more than 30 years in Washington, that Senators and Congressmen are excelled by no one in their dedication to the good of our Nation. I realize it is popular to roast them individually, and collectively, with criticism but assure that anyone who really studies the work of Congress and learns of the long and effective hours its members devote to their duties and become admirers rather than critics of the Institution itself, regardless of their views on the positions or actions of individual members. I am proud to be on this platform with a great U.S. Senator who is a leader of the Senate has added luster to a renowned Virginia name, the Honorable Harry F. Byrd, Jr.

On the State level our law institutions: Governors, Courts and legislatures deserve respect for the ever improving public service they are rendering. The vast reforms due to the "one man one vote" decisions have heralded a new day for all state government. Again on LAW DAY one should focus upon institutions rather than individuals. And in most instances the institutions will be found to be serving well regardless of the idiosyncrasy of certain flamboyant individual office holders. Here too, I call for increased knowledge which will lead to increased respect for these important institutions of government which are often taken for granted rather than appreciated by the public-at-large.

On the local level Mayors, courts and city councilmen whose every action is usually known to their neighbors 5 minutes after they take it, are deserving of increased respect as they labor mightily to stem our urban crisis. Never has their functions been more important as more people crowd into our cities and city problems multiply. An "appreciation day" for our city mayors, city managers, Judges and City Councilmen is not only a fine idea but it should awaken our children as well as adults to the outstanding and conscientious public service they receive from these increasingly important governmental institutions.

On the international level the UN is weak but has some landmark accomplishments to its credit. Especially is this true in UN programs of aid to developing nations and in bringing down trade barriers. The World Court though having no case on its docket as of today, has handed down 67 decisions of great moment. All but one of these has been carried out voluntarily. A great Virginian, Hardy Dillard, is now a member of this Court where issues between nations should be decided under law rather than by the archaic ritual of killing human beings. And while there is no world legislature, the United States has voluntarily become a party to over 4,000 treaties which we respect as law. We became parties to each of these treaties to obtain something our Nation and our people needed. International agencies set up by treaty to foster trade, travel and aid are constantly grinding out new rules which become

international law. Law which is respected and followed world-wide. Mark my word, in years to come war will be buried under an avalanche of law as the people cry out for nations to take their disputes to the courthouse rather than the battlefield. Mankind now possessing power to incinerate all of the inhabitants of the world is demanding, and will soon have, a world law system and a world court system or sufficient credibility so that the fate of humanity will be decided by law rather than atomic holocaust.

So on Law Day—U.S.A. we ask all peoples to think and talk about these governmental institutions which with statutes, treaties, ordinances, charters and state and Federal constitutions constitute our rule of law. Despite its defects and deficiencies there never has been a time when our rule of law was more capable of meeting our needs on an international, national, state and local basis. We have more law and better law today than at any time in all history. And above all we have more capability for revising and expanding the law we have to make it relevant and responsive to the current and future needs and desires of our people. All state law and Federal law is now stored on computers for instant access, as is the codes of more and more cities. Many legislatures and the U.S. Congress are using the computer to speed the law making process. Sure the U.S. Code, state codes and city codes need updating and we have the knowledge and ability to make these truly modern for the 1970's. But even in their current status these provide a rule of law which is the best in all our history.

Expectations by our people, particularly our younger people, from the performance of our legal institutions were never greater. And that is good. I sincerely believe these institutions now have the capacity to meet those expectations which should be met, or that they can be adjusted or amended quickly to do so.

The major need is to awaken these young people to the great value of our law and our law institutions to them now and to their future. At the same time these young people should have their knowledge increased by the facts as to the ways and means provided by our law system for updating and reform of all of our law and all of our institutions. They can then devote their considerable energies toward such updating and reform by use of the ways and means provided by law.

There is an old saying "Evil abounds when good men do nothing." Good men must address themselves to the great task of restoring increasing respect for law and the legal institutions which make up the rule of law in our Nation. In our day of public involvement in public affairs this means taking our case in support of such respect to the people. Law Day can help but all Americans have a responsibility for and a vital stake in increasing respect for law and its institutions. Regardless of your occupation, your business or your profession, I hope Law Day will enable you to realize this and start living up to your responsibility.

My point is that you might not like, or approve the performance of certain persons who hold office under Federal, state, local or international law, yet the institutions which provide the offices they occupy are deserving of respect. If any such institutions are not deserving of respect they can be made so by reforms wrought through the processes which are provided by law. Frequently the President proposes and Congress adopts reforms in our Federal laws or new laws. Constitutional change in the way we elect the President is under consideration by the Congress. Proposed reforms of our courts and the Congress are put forth with vigor and many are adopted. The same constant change in the law and its institutions is underway

at other levels of government. Change in the law, like change in our ways of living, are facts of life under the rule of law.

Our law mirrors our life. Law touches the nerve centers of men and society. In a sense the measure of our law is the measure of our society.

Above all we must bring home to the dissenters of our day that a full flowering of human endeavor is possible only when the individual is free to think for himself, to follow his own bent, and to enjoy the fruits of his own efforts. And he can do this only if he lives in a society in which his rights are protected and his basic obligations are fixed by law.

To insure equal justice in our land we must do all in our power to preserve and increase the respect of all our people for all our institutions. The stake of the public at large in this matter is indeed tremendous.

Law Day is designed to recall to the minds of all Americans that notwithstanding the size of our Country and the necessary complexities of its organization we live under a system which has produced for the average citizen more vigorous protection of life and person, greater economic opportunity and more personal freedom, than any other system yet developed in the history of mankind.

Our Nation was founded on the great ideals of individual freedom, equal justice and equal opportunity. Throughout our history, success in the struggle for fulfillment of these ideas has been dependent upon the adequacy of our legal system. It is to that system that we owe the preservation of the freedoms of our Constitution and its renowned Bill of Rights. We must insure that our peoples never forget these facts so that a climate favorable to the preservation of our great heritage of freedom under law continues to flourish. Especially is this true in these times when that system and that heritage is under attack.

As we pause on law day to consider our debt to the law and our duty to the law the full meaning of the rule of law can be grasped by envisioning life without law. In a Nation, state or city when law breaks down danger, fear, terror, and death, lurk around every corner. Where the whims of the lawless prevail, voices are stifled, individual freedoms and property rights disappear and commerce and industry fade. When the rule of law prevails any man can live or walk anywhere on the face of the Earth in freedom, in dignity and in peace.

Law day is an event without precedent or parallel in our Nation's history. This nationwide salute to the law has struck a responsive cord in the deep and abiding faith of our people in the rule of law and has helped strengthen their determination to preserve our way of life under the law.

Let us pledge to each other, here and now, to rededicate ourselves to our most solemn responsibility, the responsibility of preserving and passing on to the generations which follow us as citizens of the United States of America the heritage of individual freedom and equal justice under law which has been ours, and which rightfully must be theirs.

Such rededication and such a pledge must be, and is, the overriding purpose of Law Day—U.S.A. I suggest that such a pledge could well be the program of this great Law School throughout its next 100 years.

ENDING THE WAR IN INDOCHINA

Mr. McGOVERN. Mr. President, last night the distinguished deputy leader of the Senate (Mr. KENNEDY) delivered the inaugural address in the John F. Kennedy and Robert F. Kennedy memo-

rial lectures on international affairs at Johns Hopkins University.

The Senator addressed his central remarks to the necessity of ending what he described as the "degrading and immoral struggle in Indochina." Every Senator, every Representative, every concerned citizen could profit from reading this brilliant and courageous address by Senator KENNEDY.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE INAUGURAL OF THE JOHN F. KENNEDY AND ROBERT F. KENNEDY MEMORIAL LECTURE ON INTERNATIONAL AFFAIRS

(Remarks of Senator EDWARD M. KENNEDY)

It is a distinct pleasure for me to have the opportunity to inaugurate this historic series at Johns Hopkins. I know I need not dwell on the personal significance that I attach to a lecture so named. Suffice it to say that I always consider it most proper that such expressions of a memorial to my brothers be in this form—at a University and among the young. For both my brothers had an affinity for the young; whether it was what they saw in young minds, in the idealism of youth, in the freedom of expression, in that bottomless well of hope that is so much more prevalent at your age than at mine—whatever it was they saw, the bond was created. The President called upon the young to serve, to give, to contribute selflessly and they responded to him. Later, the young called upon his brother, the Senator, to serve, to give, to contribute selflessly—and he responded to them. And I feel, and I hope you share the view, that we are all better for it, that we are all fortunate they lived—for their experiences and efforts are, I believe, an addition to a better understanding of what this country is, and what it can be.

As you are well aware, most men in public life often begin their remarks by stressing how fateful it is that you are to be addressed in a moment of challenge—a moment when there is great crisis, before you and this nation. This is often said to add weight to the words that are to follow, or to command the attention of the listener. Tonight such rhetorical devices are not necessary. If this nation is in a crisis, deep and pervasive, it does not have to be announced—it is in the air—and I feel it, and know its depth.

There are so many matters on the foreign policy agenda we could discuss—matters of great importance to our world, our country and each one of us; matters that were of great concern to President John Kennedy and Senator Robert Kennedy. We could speak of Latin America; of those twenty-five Republics that share this hemisphere, where 30% of the population die before the age of 40, where often 10% of the people own over 90% of the land, where poverty, malnutrition and disease are so blatant that an early death among children is often welcomed.

We could speak of the Alliance for Progress—that program and promise of President Kennedy's that has become so tattered that we have watched 13 constitutional governments overthrown in 9 years, that we freely support 11 military regimes, including that in Brazil with its 10,000 political prisoners and torture machines. We could speak of this tonight.

Or we could address ourselves to apartheid in South Africa and oppression in Rhodesia, and ask, as Robert Kennedy did, how in this day can such primitive forms of government exist? We could explore our moral obligation and speculate on whether or not man has truly advanced from the animal state, all

the while heading toward serious introspection on matters of equality and race here at home. For we know, in the area of civil rights, we in America are in a period of regression. We could speak of that tonight.

Or the Middle East, where two and a half million Jews vow not to be thrown into the sea, while their adversaries have employed the pilots and war machinery of another great power. This confrontation holds out little hope for world peace and I am sure that we have moral responsibilities that must be explored and discussed. We could talk all evening about that.

Or of the Salt Talks, or of overpopulation, or the misery that engulf the southern half of this planet and the wars and potential wars that may develop unless we break from the view that peace is only secured through missiles and megatons. We could talk about that tonight, for it would all be both fitting and proper in this forum.

But we cannot give our time and energy to these problems, for our minds are pinned down, as are our men, in that degrading and immoral struggle in Indochina. Try to raise your mind to hopeful thoughts, try to lift your voice in defense of our nation, and her role in the world, seek to impress a foreign visitor with pledges of compassion and commitment to peace—try to do that and Vietnam, Laos, and Cambodia will drag you back down to the reality of a war that robs us of the best in us, and makes our voice ring hollow in the world.

But tonight, the news from across the nation is news of unrest, turmoil and dissension. Soldiers are emplaced where students live, universities are shutting down, canceling classes, examinations and commencements. Marches are planned, speeches are given, police are on the alert or in the streets—all because of a serious failure of our institutions to meet their responsibilities, all because of a serious misunderstanding on the part of our President and this nation's leadership of what this country now considers to be a moral, not a military question.

For that is what the war in Indochina has finally come down to—not a question of military defeat, of military humiliation, of a physical loss of face. What is now at issue is how a great nation, persisting in this effort can end it in such a way that we as a people do not suffer an inner defeat, an inner humiliation, a loss of moral face—and all the values we profess to hold.

We are a people of compassion, we choose to believe. Yet we have used our technology, our machinery, and even our men to wreak havoc on a small nation that cannot comprehend our intentions. Hundreds of thousands of Vietnamese civilians have died or been mangled for our definition of what is in their best interest.

We are a people committed to law, to the Democratic process, and the well established cross-checks on our great institutions of government. Yet without permission, consultation or forewarning, our leaders have chosen to invade the sovereign territory of another state, wiping out villages, driving people from their homes, in search of some bunkers or telephones or rifles—again to satisfy our view of what is in their, and our, best interests.

We are a people whose basic nature, and indeed whose survival, has caused us more often than not to place trust and respect in our leadership, fully expecting that trust and respect to be mutual and reciprocal. Yet today we see the loss of those affections and regards, and a retreat to name-calling and repression, so that a few men, a very few, can carry on a war as they wish, without the hindrance of questions from a free society.

We are a people who value life, who formed a revolution to protect the rights of man, who

have always looked to the hope and promise of youth. Yet today youth is the enemy, every campus a sanctuary harboring a conspiracy that requires men with loaded weapons to control.

So in reality, what are we? We are a people in deep trouble, torn by war, distrustful of government and its pronouncements. But we cannot remain this way if we are to remain anything at all. This state of affairs cannot be permitted to continue without risking every good, every hope, every dream, that brought this nation through her two centuries of life.

And so it is, meeting in an international forum, our attention tonight must be focused on perhaps the most important international crisis facing the entire world tonight—the internal dissension in the United States of America, the alienation of her people, the unchecked expansion of the power of her leadership, and all this means, not only for America's future, but that of the world.

Last Thursday evening the President of the United States announced the invasion of Cambodia. We were shocked, we were hurt. For most people felt that there was a tacit understanding in our country that the direction of activities in Southeast Asia was going the other way.

After years of debate, of confrontation, of strenuous argument and political upheaval, the American people seemed to conclude that Vietnam as a fact of life was on the wane. So certain were many that this matter had been settled that we celebrated Earth Day on April 15 and turned our minds to inner tubes and beer cans, auto exhaust and smoke stacks. The Vietnam Moratorium Committee was forced to close its doors for lack of funds and interest. But then last Thursday changed all that, and ecology is on the back burner, for Southeast Asia has come undone.

In retrospect, what right had this nation to expect that those enamored with the illusion of a military victory would acquiesce to our fondest dreams? Who ever guaranteed us that the chauvinistic phrases about the flag, about protecting our boys, about my country right or wrong, were carefully wrapped and stored away? What had those opposed to this war done to insure that the energy of their dissent was finally locked into our political process in such a way that the national will could not be reversed? In all truth, little had been done. And so, after three invasions of a new country, after four massive air strikes of North Vietnam, and after brutal deaths at Kent State University, we are back again to ground zero—holding convocations, expressing our mutual frustrations, the young planning marches, and their elders forming committees of eminent citizens.

The error apparently was ours. All should have realized that the natural inclination of unchecked force is to be forceful. For once the scene had quieted, once those seeking peace and disengagement were so silent they could be abused by high officials, once the media had learned its lesson, our leaders resumed the high level of war. Force did what force will always do, it moved, releasing its potential in thousands of men, hundreds of planes, and the clanking of tanks through the monsoon rains.

All the energy of might, held in abeyance for the times to be politically right, was released for that one last try, that thrust of anger across a border in a blind search for those who had brought our military prowess so low. And so those of us who feel strongly on matters of war and peace were hurt, and we felt betrayed.

But again the error was ours, for all that had been accomplished by past expressions of dissent was symbolized by Vietnamization and the withdrawal of troops from Vietnam. Unfortunately this proved to be more gos-

samer than cloth. For we who differ had not, in hard political terms, nailed it all down.

So we must start again. But I would warn you, as one who shares your frustration and aspirations, that if we simply rely on past practices of expression we will fall again. For the signs of a new but meaningless accommodation are present. The United States, we are told, will now go no further than 30 kilometers into a place we have no business being in at all. And, we are told, we will remove ourselves by June 30th from a country we will have been in eight weeks too long. Finally, we are told, there will be no more "reinforced protective reaction" airstrikes in the North. Whether or not all this is true, or will prove to be true, now depends on what those who stand in opposition elect to do.

For myself, the course that the Congress of the United States must take is clear. We who have control over the appropriation of money must exercise that control and do it without delay. No more funds can be appropriated to the military, now and in the future, without a prohibition in law against the use of American men, planes, or other military equipment in Cambodia. Similarly, restrictions must be placed on funds for Vietnam that would guarantee the completion of withdrawal from that place, by making it financially impossible to stay there. This is a function of the U.S. Senate that can be constructive and firm, and I mean to work for it.

There can be no more reliance on resolutions, no more reliance on meetings and tacit understandings. Late though it is, and slow that we came to it, the hard step must now be taken to deny the President the arbitrary powers that he has assumed.

As for yourselves, I wish to take the liberty of suggesting that many expressions of dissent are not helpful to the cause many young people profess to serve. What is the purpose of dissent in a matter of this importance? Is it simply to gratify ourselves, to undertake our individual act of bravado, no matter how meaningless, simply for the admiration of those who happen to observe it?

Surely it is not that. Then what is the purpose of dissent? It is to end the war by bringing about real political change. It is to attract through argument and deed those who still falter in questioning an executive decision, regardless of their uneasiness with it. It is to make the opposition to our policies in Southeast Asia grow and expand into a political force of consequence, not shrink into the property of a narrow group comfortable in their own reassurances.

And how should dissent be expressed? If you are opposed to the use of violence in Vietnam, Laos and Cambodia, then you can never resort to violence, no matter what the provocation, no matter how burning the issue here at home. For violence has no reward; violence is an act of self-indulgence; violence is an admission of the lack of power; violence has no morality in it—all that it leaves in the crucibles' ashes is the bitter dust of hate; violence seeks to cause pain, not reform; violence deals the final injustice to the sincerity of your views. It is the one act awaited by your antagonists to prove their point; it is the act that will ultimately bring repression. Physical violence has no place in America, it has no place in you or your cause.

And violence of the word is the same. It is demeaning and creates scars that have nothing to do with the issue before us. To call a police officer a "pig" is sheer malice and a hateful act, to cry "burn" or "kill", or use common vulgarities, is not the act of any man who professes to celebrate life and the dignity of man above all else.

These are not the words of men of peace. We must leave those abuses to those who

need them to express themselves. If one of the highest officials in the government finds his cause so weak or his position so insecure that he must constantly provoke and antagonize—that is his prerogative. Perhaps he just may have nothing else to say to America. But it is not your prerogative if you wish to stand against the war and bring others to your cause. If the President of the United States wishes to use a word from the street to describe American students, that is his loss—it may demean his office but it does not demean the student. There is, then, no justification in saying that because those in power resort to violence or name-calling, those expressing a different view can do the same. For the object of dissent is not revenge but change. And if any act does not contribute to the change we seek it is a negative and unworthy act.

So I would stress to all, young and old alike, who feel compelled to take some form of stand on the question of war, to do it in such a way that it will end war—to do it in such a way that it is helpful to someone other than yourself. For dissent is not fun, it is not a lark, it is not time off from school and the personal responsibilities of life—people have died for it here at home, and thousands more will die abroad if it fails to be effective.

I would implore you to realize your own power to be effective. The political experiences of 1968 have proven that when young people are active in the political arena, they can be the most forceful element in the country. Work, then, for those who seek office and seek peace. Work in your own way, using your education and skills to convince others that war unrelated to survival is not a natural act of great nations—it is unnatural. Work to promote discussion and dialogue to draw out the views of those in all levels of power too timorous to be committed. One great university has chosen to stay in session now, but to close in the fall prior to elections so that the students may work as a memorial to those who died. Surely your imagination and drive can open countless avenues by which you can be effective.

But you must work to change this country, for it is yours to have and to give to your children.

Above all, let us never again desert this issue of Vietnam until it leaves us. No matter how much adrenalin there is in other causes, in other issues—it is the war that must end first—for it is most harmful to all living things.

TUMOR VERSUS TUMOR PLAN APPEARS PROMISING

Mr. YARBOROUGH. Mr. President, I have been very much pleased lately by the many reports I have read indicating progress in the battle against cancer. The latest report I have read on this subject is by Miss Judith Randal, staff writer for the *Evening Star*. It appeared in the March 26, 1970, issue of the paper. It states that antibodies formed in response to one tumor may trigger an immune response in another patient. This response might cause the cancer to be rejected.

The treatment for a cancer patient is administered on a two-step basis. The first which is performed on an outpatient basis calls for a weekly injection with minced tumor tissue of the same cancer type as the patient's. The second which is performed on an inpatient hospital basis calls for a transfusion of blood plasma and white blood cells from the patient who supplied the tumor tissue.

To date, 54 patients have undergone the two-step procedure. Of these, 19 were so sick that they died within a month after treatment was started. Many of the rest, however, are alive and well, even though their cancer was widespread. And of these, 13 have done particularly well. In nine of these patients large tumors have shrunk or disappeared; in the other four, rapidly spreading cancer has stopped growing.

Mr. President, because I feel that the article would be of interest to Senators, I ask unanimous consent that Miss Randal's report be printed in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

TUMOR VERSUS TUMOR PLAN APPEARS PROMISING

(By Judith Randal)

SAN ANTONIO.—Scientists are achieving modest but promising success with a cancer treatment that helps the patient fight off his tumor with a tumor from someone else.

The idea, according to Dr. Loren J. Humphrey of Emory University in Atlanta, is that antibodies formed in response to one tumor—while helpless against it—may trigger an immune response in another patient.

This response, it is thought, may cause the cancer to be rejected much as a heart or kidney is rejected after a transplant operation.

In a report to the American Cancer Society's science writer's seminar here, Humphrey said that the treatment is administered in two steps.

In the first, performed on an outpatient basis, the patient is injected at weekly intervals with minced tumor tissue of the same cancer type as his own.

In other words, if his disease is a sarcoma—a cancer of bone, muscle or connective tissue like cartilage—the tumor he receives will also be a sarcoma. If he suffers from a carcinoma such as breast or lung cancer, that is the kind of tumor his injection will contain.

Although the treatment in itself sounds dangerous, none of the 120 patients who have received from 4 to 16 doses of the preparation has developed a tumor at the injection sites, which are under the skin of the legs.

In the second step, the patients are matched to others of the same blood type who also have cancer and have also received the vaccine. They are then admitted to the Emory University Hospital.

During hospitalization each patient is transfused so that he receives the blood plasma and white blood cells of his partner. The material is obtained by removing some of his blood and separating out the red blood cells which are then returned to him.

Again, the idea is to stimulate the patient's body to reject his tumor by providing him with material from another cancer patient that may prove hostile to the cancer. Experiments have shown that the blood plasma and white blood cells of people with cancer contain antigens.

Antigens are proteins which cause the body to form other proteins called antibodies which are so shaped that they fit into antigens the way keys fit into locks. If enough antibodies are formed which match the antigens produced by a patient's tumor, the cancer may be destroyed.

To date, 54 patients have undergone the two-step procedure. Of these, 19 were so sick that they died before the treatment could be completed or within a month after their transfusions. But many of the rest—even those whose cancer was widespread—are alive and well over a year later.

The results in 13 of these Humphrey said, are particularly good.

Large tumors have shrunk or disappeared in nine patients and in four others rapidly spreading cancer has stopped growing.

THE NEED FOR MORE EMPHASIS ON BETTER EDUCATION RATHER THAN INTEGRATION FOR INTEGRATION'S SAKE

Mr. ALLEN. Mr. President, the May 1970 Reader's Digest contains an article, in two parts, entitled "Our Troubled Schools":

I. "Integration—A Tragic Failure," a condensation of an article by Stewart Alsop in *Newsweek* of February 23, 1970; and

II. "Will Busing Make Them Better?" a condensation from *U.S. News & World Report* of March 9, 1970.

These articles make out a strong case for the need for better education in our public schools throughout the United States rather than concentration on forcing integration for integration's sake.

I ask unanimous consent that the articles be printed in the *RECORD*.

There being no objection, the articles were ordered to be printed in the *RECORD*, as follows:

[From the Reader's Digest, May 1970]

OUR TROUBLED SCHOOLS: I. INTEGRATION—A TRAGIC FAILURE

[Condensed from *Newsweek*]

(By Stewart Alsop)

Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate our nation's schools is a tragic failure.

To admit that this is a fact is to delight every racist and reactionary in the land. The failure of integration is a failure of the American system itself, of the whole mythos of the melting pot. Yet truth, like murder, will out, and among those who know the realities, that ugly truth is almost universally recognized. Here, for example, are the reactions of three leading Negroes:

Ben Holman, director of the Justice Department's Community Relations Service: "Of course it's true. I started out at 14 picketing for integration, but it's just not going to work. We've got to admit publicly that we've failed, so we can stop pursuing this phantom and concentrate instead on gilding the ghetto—a massive diversion of manpower and money to the central city schools."

Dan Watts, editor of *The Liberator*, intellectual organ of the black militants: "There's more race hatred in New York today than there is in Mississippi, and it all goes back to the schools. It's a traumatic experience, anyway, for a black kid to be bused clear across town for the privilege of sitting next to Miss Ann. We've got to move away from integration and toward coexistence."

Julius Hobson, the District of Columbia's leading black militant: "Of course integration is a complete failure. What we've got is no longer an issue of race but of class, the middle class against the poor. The schools in Washington have deteriorated to a point almost beyond repair. I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good where they are. The integration kick is a dead issue."

White liberals are more reluctant than blacks to acknowledge that "the integration kick is a dead issue." Here, for example, is James Allen, U.S. Commissioner of Education: "You have to have an optimistic view. We thought the problem could be settled in a decade or two, but we were wrong. There is no good way out at any time in

the immediate future, and we've just got to face that fact."

And here is Alan Westin of Columbia University, an educational expert: "We've got to make sure that we don't sell out integration where it has been successful—in Teaneck, N.J., where I live, for example. But that's admittedly an atypical situation. Where integration has failed, the answer may be some sort of biracialism. But if the white doesn't want to integrate, he'd damn well better be prepared to pay."

As these excerpts suggest, there has been very recently a sort of sea change in national opinion, both black and white, on the integration issue. Recently, for example, the *New York Times*, the bellwether liberal newspaper, published two devastating reports. They noted "conditions of paralyzing anarchy" in some integrated New York City schools, and "racial polarization, disruptions and growing racial tensions in virtually every part of this country where schools have substantial Negro enrollments."

If integration is a failure, what is to be done?

Again, what is surprising is how often the same note is struck by those who know the realities. First, "Don't sell out integration where it has been successful." The bridges between the races are too few and fragile anyway, and they must be preserved at all costs. The best way to strengthen and increase them is not to try to force middle-class whites to send their children to school in the ghettos, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Second, as Julius Hobson says, "Make the schools good where they are." John Gardner, chairman of the National Urban Coalition, agrees: "We should not sit around waiting for integration that may never happen." On this point, all agree that, given the eroded tax base of the central cities, only the federal government can really do the upgrading job.

Finally, both black militants and white liberals seem to be reaching out for a new relationship—what Dan Watts calls "co-existence," and Alan Westin calls "biracialism." Both words are disturbing, for there is in them an echo of that discredited phrase, "separate but equal." And yet it is always better to proceed on the basis of a recognition of what is, rather than what ought to be.

[From the Reader's Digest, May 1970]

OUR TROUBLED SCHOOLS: II. WILL BUSING MAKE THEM BETTER?

[Condensed from U.S. News & World Report]

Sausalito, the first California city to desegregate its schools completely—in 1965—now finds its integrated schools in trouble. A grand jury in February called conditions in them "abhorrent" and said: "What began as a beautiful dream of a fully integrated educational institution has turned into a nightmare." Many people who pushed that city's integration drive now send their children to private schools.

Recently, officials in West Haven, Conn., rejected desegregation proposals. The Pontiac, Mich., board of education voted to appeal a court order for integration, and shortly thereafter 7000 people signed petitions opposing any form of busing.

More and more Americans are losing faith in the idea that integration of schools is the answer to the problem of how to provide equal educational opportunities for black children and white. This new idea is growing: More good can be accomplished by improving the schools that Negroes attend.

"White people are not going to let integration take place," says William Cousins, Jr.,

a black lawyer and city alderman in Chicago. "After some 16 years with school desegregation as the law of the land, we are only an inch—if that much—toward attaining this goal. The best approach is to emphasize improving education in the schools that our children now attend—and increasing our community control over those schools."

"Let's stop kidding ourselves about integration," says Mrs. Thelma Miller, a black who is director of the New York City district of the New York State Congress of Parents and Teachers. "Let's make all schools equally good for all children. Then nobody will mind what school his child attends."

"People who advocate busing for integration are still living in a dream world. The only way we will have honest integration in the schools is, first, by changing housing patterns; second, the hearts of people must be changed. That's a thing nobody has yet been able to do. At one point, I put my own kid on a bus. But when I saw all the things that happened, and the hurt to her, I changed my mind."

In Los Angeles, where a massive program of integration by busing was recently ordered by a state court, James L. Flournoy, a prominent black attorney, said: "Just a few years ago, most black people were willing to accept busing as the only way to achieve integrated schools. Now they are more concerned over the quality of education their child will get. Blacks are saying that they would rather have better schools in their own neighborhoods."

George Romney, Secretary of Housing and Urban Development, has said: "Busing is not the basis for overcoming the vital problems resulting from separation of our people in most communities. It is a superficial compromise. I believe that every American school child is entitled to the opportunity to attend a quality school within a reasonable distance from his home."

In Lansing, Mich., Mrs. Bernice Davenport, a black, called busing "a degrading game." In Grand Rapids, Mich., where 1130 black and 2619 white children are bused daily into integrated schools, Mrs. Phyllis Scott, a black, helped organize a brief black boycott last September. "We don't want a segregated school system," says Mrs. Scott. "But busing for integration is wrong. Quality education is what counts, and this should be the commitment of education boards across the country."

Where large-scale integration has been attempted, the results frequently have been resegregation, as whites move out of mixed-school zones or send their children to private schools. "Because of this resegregation, many of the court orders are self-defeating," says John W. Letson, superintendent of schools in Atlanta. In that city, which started desegregating in 1961, more than a score of all-white schools have become almost all-black.

Now Atlanta is facing a court order to expand its integration by transferring about 4000 more pupils to different schools. Comments Letson: "Resegregation is evidence to me that we should take a look at what we are doing—going blindly down a programmed alley to accomplish something, when all the evidence suggests that we are not accomplishing it. Why go through all this turmoil and wind up with an all-black city?"

Washington, D.C., is often cited as an example of what can happen. So many whites have fled Washington that now its schools are 94-percent black—and their educational standards are under sharp criticism.

William Raspberry, a black columnist for the *Washington Post*, observed recently: "One reason why the schools are doing such a poor job of educating black children is that we have spent too much effort in integrating them and too little on improving them. In-

tegration was simply a means to an end. Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education, but to integrate classrooms. The results can sometimes be pathetic. Isn't it about time we started concentrating on educating children where they are?"

All this does not mean that the long-range goal of integration of the races has been abandoned. "There has been no change in our support of integration," says John A. Morsell, assistant executive director of the National Association for the Advancement of Colored People. "If there is any chance at all of reaching our goal of a truly democratic society, it has to be via the integration approach."

Many Negroes agree. Negroes are "absolutely not" losing their interest in integration, says Charles Belle, president of the San Francisco branch of the NAACP. "But right now integrated schools do not exist. And blacks have found, North and South, that their children are getting inferior educations. So the trend now is toward getting a better education for their children."

SECRETARY HICKEL'S LETTER

Mr. DOLE. Mr. President, this morning's *New York Times* and *Washington Post* carry front-page stories about a letter from Secretary of the Interior Walter Hickel to President Nixon. The implication of these stories was that Secretary Hickel was issuing grave warnings or complaints about administration policy and attitudes toward America's youth and members of the Cabinet.

A reading of the full letter, without interpretive extractions of partial sentences and interlineations of reportorial analysis, presents a different picture.

Neither the *Post* nor the *Times* found it appropriate to place the text of Secretary Hickel's letter near the front page headlines proclaiming their analysis of it. This being the case, I ask unanimous consent that the letter be printed in the *Record*, so that Senators who may not have had time to scan the back pages may read the letter in its entirety.

There being no objection, the letter was ordered to be printed in the *Record*, as follows:

[From the *Washington Post*, May 7, 1970]
HICKEL: "YOUTH . . . MUST BE HEARD"

(Text of the letter that Interior Secretary Walter J. Hickel sent to President Nixon.)

DEAR MR. PRESIDENT: I believe this administration finds itself, today, embracing a philosophy which appears to lack appropriate concern for the attitude of a great mass of Americans—our young people.

Addressed either politically or philosophically, I believe we are in error if we set out consciously to alienate those who could be our friends.

Today, our young people, or at least a vast segment of them, believe they have no opportunity to communicate with government, regardless of administration, other than through violent confrontation. But I am convinced we—and they—have the capacity, if we will but have the willingness, to learn from history.

GREAT DEPRESSION

During the great depression, our youth lost their ability to communicate with the Republican Party. And we saw the young peo-

ple of the 1930s become the predominant leaders of the 40s and 50s—associated not with our party, but rather with those with whom they felt they could communicate. What is happening today is not unrelated to what happened in the 30s. Now being unable to communicate with either party, they are apparently heading down the road to anarchy. And regardless of how I, or any American, might feel individually, we have an obligation as leaders to communicate with our youth and listen to their ideas and problems.

About 200 years ago there was emerging a great nation in the British empire, and it found itself with a colony in violent protest by its youth—men such as Patrick Henry, Thomas Jefferson, Madison and Monroe, to name a few. Their protests fell on deaf ears, and finally led to war. The outcome is history. My point is, if we read history, it clearly shows that youth in its protest must be heard.

Let us give America an optimistic outlook leadership. Let us show them we can solve our problems in an enlightened and positive manner.

As an example, last Dec. 16, I wrote to you suggesting that April 22, Earth Day, be declared a national holiday. Believing this would have been a good decision, we were active on university campuses over the Christmas holidays with a program called SCOPE (Student Councils on Pollution and the Environment). It was moderately successful, and it showed that it was possible to communicate with youth. I am gratified that on April 22, I, and approximately 1,000 Interior employees, participated in Earth Day commemorative activities all over the United States.

CROSSED BRIDGE

I felt, after these meetings, that we had crossed a bridge; that communication was possible and acceptable. Likewise, I suggest in this same vein that you meet with college presidents, to talk about the very situation that is erupting, because before we can face and conquer our enemies, we must identify them, whether those enemies take physical or philosophical form. And we must win over our philosophical enemies by convincing them of the wisdom of the path we have chosen, rather than ignoring the path they propose.

In this regard, I believe the Vice President initially has answered a deep-seated mood of America in his public statements. However, a continued attack on the young—not on their attitudes so much as their motives, can serve little purpose other than to further cement those attitudes to a solidity impossible to penetrate with reason.

Finally, Mr. President, permit me to suggest that you consider meeting, on an individual and conversational basis, with members of your Cabinet. Perhaps through such conversations, we can gain greater insight into the problems confronting us all, and most important, into the solution of these problems.

Faithfully yours,

(s) WALLY.

OUR DISTINGUISHED AMBASSADOR TO THE UNITED NATIONS, MR. CHARLES YOST, STRONGLY URGES SENATE RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIER. Mr. President, our Ambassador to the United Nations, the Honorable Charles Yost, recently testified before a special Foreign Relations Subcommittee in favor of prompt U.S. action on the Genocide Convention. He

clearly described the anomalous situation that has resulted from the failure of the United States to act in this crucial area. Mr. Yost stated:

Thus, for nineteen years, the United States has stood aloof from this international treaty in the drafting of which we fully cooperated, and in the purpose of which we fully concur. This situation is almost incomprehensible to other nations. . . . This course of action, or rather inaction, has given ammunition to our detractors and perplexity to our friends around the world.

As I stated in my testimony before this special subcommittee, the Senate now has the best chance to ratify the Genocide Convention in the 20 long years since President Truman submitted this treaty in 1949. We now have the opportunity to correct the disastrous anomaly resulting from our failure to accede to this vital international agreement. We must not let this chance go by.

Ambassador Yost also spoke eloquently of the tremendous, and extremely important, impact that U.S. ratification of this treaty would have on world opinion. Based on his own experiences as our Ambassador to the United Nations and his extensive involvement in international relations, Mr. Yost told the subcommittee that:

No question that has ever been asked me about the policy of my country—has been more difficult to answer than questions about American inaction on this convention. To answer once and for all such questions, to remove such a needless source of ambiguity and confusion from our foreign relations, would not, I believe, fail to serve the interests of the United States.

Mr. President, the Senate would do well to heed this excellent advice from our U.N. Ambassador.

Mr. President, I ask unanimous consent that a portion of Mr. Yost's informative testimony be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR CHARLES W. YOST

Mr. Chairman and members of the Committee: It is a privilege for me to testify before this Subcommittee of the Foreign Relations Committee in favor of ratification by the United States of the Convention on the Prevention and Punishment of Genocide.

The position of the United States on this treaty has followed a puzzling and somewhat ironic course over the past quarter of a century. In 1945 the American people stood aghast, as did the entire world, at the revelation of the crimes committed by the Hitler regime, which is estimated to have sent some six million human beings to their death in its systematic program to exterminate the Jewish people. It was this hideous episode that gave rise to the legal concept of "genocide" and to the movement to outlaw genocide as a crime under international law.

The United States joined wholeheartedly in that movement. We joined in the unanimous vote by which the first session of the United Nations General Assembly, on December 11, 1946, adopted its resolution on this subject. This resolution branded genocide as a crime and invited member states to enact legislation to prevent and punish it; and in addition it called for the drafting of an international convention for the same purpose.

The resulting Convention was unani-

mously adopted by the General Assembly on December 9, 1948—again with the concurring vote of the United States. Two days later the United States signed the convention. President Truman submitted it for the advice and consent of the Senate on June 16, 1949. In 1950 a subcommittee of this Committee held hearings and reported the Convention favorably to the full Committee, which, however took no action. In 1951 the Convention entered into force, having been ratified by the requisite 20 states, but the United States was not among them. Today the Convention has 75 parties, the most recent of which, the United Kingdom, deposited its instrument of ratification on January 30, 1970. But still the United States is not a party.

Thus, for nineteen years, the United States has stood aloof from this international treaty in the drafting of which we fully cooperated, and in the purpose of which we fully concur. This situation is almost incomprehensible to other nations. We abhor the crime of genocide; we desire to ensure that it never happens again; we profoundly support the building of a world order based on law and justice. And yet we still hang back from this instrument which seeks to put into practice these very concepts which we as a nation have consistently favored. This course of action, or rather of inaction, has given ammunition to our detractors and perplexity to our friends around the world.

It was therefore widely welcomed when President Nixon last February moved to correct this anomaly by his message urging the Senate anew to consider this Convention and to grant its advice and consent to ratification. We very much appreciate the prompt response of this Subcommittee to the President's request.

In this brief statement it is not my purpose to discuss in any detail the legal aspects of the Convention, on which later witnesses are of course prepared to testify. The heart of the Convention is the agreement of the parties that certain acts intended to destroy, in whole or in part, a national, ethnic, racial, or religious group, constitute genocide; that genocide so defined is a crime under international law, and that the parties undertake to punish it in accordance with their respective constitutions. I emphasize that the Convention deals with acts intended to destroy groups of human beings and does not concern individual homicide, which is quite a different matter. The question to which I shall address myself, however, is the bearing of this Convention on the basic interests of the United States.

It is my belief that ratification of the Genocide Convention by the United States would substantially serve our national interest in two ways: first, by its impact on world opinion, and second, by its impact on world law.

As regards world opinion, this Convention has attained over the years since it was first drafted a position of unique symbolic importance as an act of the world-wide condemnation of what is perhaps the most dreadful crime men can commit. In the context of modern history it also stands for another principle of fundamental importance, namely that whatever evils may befall any group or nation or people are a matter of concern not just for that group but for the entire human family.

It is almost needless to remind this Subcommittee that these principles and human feelings lie very deep in the American tradition, and indeed express our nation at its best. How exceedingly frustrating it is, therefore, that our country should for so long have stood aloof in the community of nations from this treaty which gives such powerful historic expression to our own feelings and principles! I can assure the Subcommittee that in my diplomatic life, at the

United Nations and elsewhere, no question that has ever been asked me about the policy of my country has been more difficult to answer than questions about American inaction on this convention. To answer once and for all such questions, to remove such a needless source of ambiguity and confusion from our foreign relations, would not, I believe, fail to serve the interests of the United States.

COMMUNISTS NOT CIVILIZED IN TREATMENT OF PRISONERS OF WAR

Mr. WILLIAMS of Delaware. Mr. President, since the early 1960's the United States has been involved in a grim and terrible war in Southeast Asia. Perhaps nowhere is the total grimness of that conflict more apparent than in the treatment of the unfortunate Americans who have been captured by the enemy.

Throughout the history of civilized nations, efforts have been made to protect the lives and well-being of prisoners of war. Long ago the notion that they could be held as hostages was abandoned by men who considered themselves as civilized human beings.

This effort at humane treatment of prisoners has been formalized by a series of agreements known, loosely, as the Geneva accords. Among the agreements is that warring powers will provide prisoners with an adequate diet and with medical attention. Further, an accounting is to be made of all prisoners captured.

Additionally, these agreements provide that prisoners must be allowed to communicate with each other and with the outside world. They are supposed to be able to receive and send letters and to receive packages.

At all times, war is a grim business. But civilized people have over the years done their best to minimize the horrors of war as they relate to prisoners who are no longer capable of defending themselves.

During the entire course of the Vietnamese conflict the Communists have refused to abide by any of these principles laid down at Geneva. They have refused to give any accounting to anybody of the names of the men they have captured and are holding prisoner. They have refused to give an accounting to anyone on what they have done for the sick and wounded. They have refused to permit communication between the prisoners and the outside world. They have refused to allow families of prisoners to communicate with their men.

In short, the Communists have treated the whole matter of prisoners totally outside the criteria laid down by civilized nations.

To date, we have been able to do nothing to force the Communists to accept the role of civilization.

World opinion is against them. But it must be mobilized to an even greater degree by every means possible if we are to force the Communist North to act in a humane manner toward the prisoners they hold.

Our Government must work through its representatives in Paris, Warsaw, Moscow, and wherever else we have con-

tact, either official or unofficial, with Communist delegations.

Mr. President, we cannot rest, we must not rest, until the well-being of these 1,400 Americans is assured.

WOMEN'S CLUB CALLS FOR 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Big Thicket was known to the Indian tribes who inhabited it and hunted there as "The Big Woods." During the historic period, the Big Thicket was inhabited by the Akokisa and the Bidai Indians. About 1800 the Coushatta Indians, and a little later, the Alabama Indians settled in the region, having moved from the East. At the present time the Alabama and Coushatta Indians still remain in the Big Thicket on Texas' only Indian reservation.

In spite of the many inroads, there are still substantial sections of the Big Thicket which are basically unaltered and very impressive. In fact, there are extensive vistas which would appear to the visitor to be as untouched as the original forest when first viewed by white men, when only Indians lived and hunted there.

Mr. President, it is precious and priceless natural areas such as these which we should preserve for posterity and our own enjoyment and recreation. The Women's Club of Rio Grande City has forwarded to me a resolution expressing their strong support of the Big Thicket National Park. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, the area of East Texas known as the Big Thicket has a unique ecology consisting of eastern, western and northern elements, as well as great natural beauty, abundant fresh water supplies, multifarious plant and animal life; and

Whereas, this area has successively been approved by the National Park Service as a desirable site for a National Park; and

Whereas, the need for the acquisition of additional land suitable for park use is evident from the strain put on existing park facilities by our growing population and the increase in tourism within our country; and

Whereas, the establishment of a National Park in this area is certain to bring esthetic, scientific and economic benefits to region, state and nation; and

Whereas, this beautiful and unique area is being rapidly destroyed by commercial interests; and

Whereas, the Texas Federation of Women's Clubs has declared the preservation of the Big Thicket a special project; therefore

Be it resolved that the Woman's Club of Rio Grande City, Texas urges the preservation of 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

Be it further resolved that the Texas Federation of Women's Clubs go on record as requesting the Congress to pass immediately S4 and set aside 100,000 acres of East Texas as a Big Thicket National Park.

Adopted November 6, 1969.

Mrs. MACK F. CUMMINGS,
President.

ROTC GAINS GROUND DESPITE OPPOSITION

Mr. GURNEY. Mr. President, we hear a lot about some of the big eastern colleges that are dropping Reserve Officer Training programs; colleges like Harvard, Tufts, Dartmouth, Brown, and so on.

But there is very little in the newspapers about the fact that colleges outside the East are tripping over themselves in the rush to try to get these ROTC programs reassigned to their schools.

For some reason, Harvard and Tufts make the headlines while the other dozens of colleges do not.

In testimony before the House Appropriations Committee, both the Army and Navy brought out these facts. They are reprinted in the Christian Science Monitor of May 5.

Dartmouth and Harvard are quitting the Army ROTC program this June. Meanwhile, no fewer than 42 colleges are standing in line trying to get Army ROTC programs on their campuses.

Harvard, Columbia, Brown, Tufts, and Dartmouth have signified they will not continue Navy ROTC programs on Navy terms.

Meanwhile, no fewer than 100 colleges across the Nation have asked to get ROTC programs from the Navy.

Mr. President, these big-name colleges are, of course, private institutions, and their relationship with the Reserve Officer Training program has to be a mutually agreeable one. If they decide they do not want this relationship any longer, then they are privileged to drop it.

Mr. President, I ask unanimous consent that the Christian Science Monitor article entitled "ROTC Gains Ground Despite Opposition" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROTC GAINS GROUND DESPITE OPPOSITION

WASHINGTON.—Although some major Eastern educational institutions are dropping Reserve Officer Training Corps programs, Pentagon officials say many other schools are seeking to establish the programs.

The impact of militant antimilitary elements on campus and problems of trying to keep staff status and student credit levels, came under review during a recent series of hearings by a House appropriations subcommittee, according to newly released testimony.

TESTIMONY GIVEN

Pentagon witnesses noted: Dartmouth and Harvard are quitting Army ROTC this June, while 42 other schools are applying for units.

Harvard, Columbia, Brown, Tufts, and Dartmouth "have signified they will not continue Navy ROTC on Navy terms." Negotiations are under way at Yale and Princeton—along with Virginia, Michigan, and Stanford—"concerning the conditions under which we will or will not remain on campus." The officials said about 100 schools have applied for the Navy program.

The Air Force will end its ROTC at Colgate this June; at Harvard, Brown, and Dartmouth in June 1971 under mutual agreement; and at Tufts in June 1972, because of "low production." The Air Force is negotiating contracts with Princeton, Massachu-

setts Institute of Technology, Michigan, and Stanford. Major issues involve departmental status, academic credit for ROTC courses, and academic rank for instructors.

TERMS QUESTIONED

Vice-Adm. Charles K. Duncan, chief of naval personnel, told the defense subcommittee some schools with Navy ROTC "have laid down terms which I rather doubt we will meet."

"They would retain Navy ROTC units if we meet their terms" he added, "but they may lay down terms we know we cannot meet."

"I hope you will not bow down to any terms," replied Rep. George W. Andrews (D) of Alabama. "One of the terms might be that you let your people grow hair down to their shoulders and beards all over their faces. Certainly, the Navy does not want that."

BIG DROP NOTED

During the testimony, Admiral Duncan said the Navy's ROTC program has sustained a 30 percent drop in nationwide applications during the past three years in that part of the program in which the Navy subsidizes tuition.

"We believe this phenomenon is attributable largely to the antimilitary activities of many dissident student groups," he added.

He said the withdrawal of units from Brown, Columbia, Dartmouth, Harvard, and Tufts was "necessitated by our inability to operate programs which are viable and conform to statutory provisions within the restrictions imposed by these colleges."

PRESSURE FACTOR?

Maj. Gen. Edward A. McGough III, director of personnel planning for the Air Force, said he is certain the pressure of dissident students had some part in disagreements between the Air Force and officials at Colgate, Harvard, Dartmouth, and Brown. But, he added, "how much, I do not know."

DIRECT ELECTION OF PRESIDENT THREATENS NATION'S POLITICAL STABILITY

Mr. ERVIN. Mr. President, a number of distinguished scholars of American constitutional law and American political history have warned of the likelihood of chaos upon the institution of direct, popular election of the President. They have pointed to the inevitability of a flood of election fraud charges where the popular election results are very close and a handful of votes out of tens of millions cast could determine the winner. Prof. Ernest Brown, of Harvard Law School, has predicted that every ballot box and registration list in the country would be the subject of such challenges in a closely contested election. I believe that such a flood of election fraud challenges across our land, even when made in good faith, would bring about a serious constitutional crisis. Even if a winner were finally declared through the orderly processes of government, it is difficult to imagine how that winner could govern effectively.

While I hope that a political crisis of this magnitude will never occur in our Nation, the experiences of many other countries who elect their national leaders by direct popular vote make me fear the possibility of such a development if direct election of the President is adopted by our country.

Regrettably, we are at this very time

witnessing the dangerous problems stemming from widespread charges of voting irregularities in the nation of Colombia. In that country, the President is elected by direct, popular vote. Apparently, the present contest among the various presidential candidates is very close. Supporters of the two candidates with the highest reported votes are engaged in a wild tumult of election fraud charges and counter charges. Martial law has been declared as the very existence of the government is threatened.

Mr. President, I believe that the present political crisis in Colombia, resulting in part from the flurry of voting fraud charges in a very close presidential election, constitutes another clear warning against instituting direct popular election of our own President.

The newspaper reports of the Colombian crisis deserve the study of every Senator before he decides to abandon a system which has given America political stability for so long in favor of a scheme with a potential for total political chaos.

I ask unanimous consent to have printed in the RECORD two news articles from the New York Times of April 21 and 23, 1970, concerning the situation in Colombia.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BACKERS OF ROJAS THREATEN REVOLT

BOGOTA, COLOMBIA, April 22.—As martial law continued in Colombia, backers of the former dictator, Gustavo Rojas Pinilla declared today that they would resort to guerrilla action if necessary to return him to the presidency.

The announcement was made by General Rojas's daughter, who has been a major force in her 70-year-old father's election campaign. Mrs. de Moreno Dias announced a series of protest marches throughout the country.

In the latest ballot count of Sunday's presidential voting, General Rojas, who ruled in 1953-57, was trailing his major opponent, Misael Pastrana, by almost 50,000 votes.

General Rojas charged fraud in the election count. Last night, about 5,000 of his supporters went on a window-breaking rampage through Bogota, prompting President Carlos Lleras Restrepo to impose a state of siege and martial law.

Today, crowds answering the President's call for citizens to turn themselves into "soldiers for democracy," swarmed through streets waving national flags and shouting support for the Government.

Uneasiness spread to Colombia's eastern neighbor, Venezuela, where the Government announced it had tightened security precautions along the border. The Venezuela telephone company said communications between the two countries had been cut at the Colombian end, leading to speculation the Colombian Government was imposing censorship on international communications.

President Lleras Restrepo announced the martial-law restrictions last night in a radio and television broadcast, declaring there was an attempt to overthrow constitutional order.

Demonstrators were driven from Bogota's streets by the police last night but the Government moved a special brigade trained in guerrilla warfare to roads leading into Bogota to prevent supporters of General Rojas from entering the capital.

Government steps included a ban on public meetings, censorship and a curfew in Bo-

gota and other major cities. Provincial officials were authorized to prevent the sale of alcoholic beverages, to restrict traffic and to take control of harbors and airports.

The Government placed all offenses against state security and public order under military courts.

About 100,000 Colombian troops and police remained on full alert to brush possible violence.

President Lleras Restrepo said in his broadcast that he had formed a commission, drawn from the parties of the two main candidates, to insure that the ballot counting was honest.

In Caracas, Venezuela's Defense, Gen. Martin Garcia Villasamil, said "special measures" were being taken by border security forces, including strict control at crossing points and patrols in western Venezuelan towns with large Colombian population.

General Rojas's supporters issued a statement today accusing the Government of falsifying the election result.

"The oligarchial Government that is exploiting Colombia, after preparing a scandalous fraud, is trying now to impose an electoral result that makes a farce of the opinion expressed at the polls by the vast national majority," they declared.

TWO CLAIM VICTORY IN COLOMBIA; EX-DICTATOR CHARGES VOTE FRAUD

(By Joseph Novitski)

BOGOTA, COLOMBIA, April 20.—The two leading candidates in Colombia's presidential elections both claimed victory today while the followers of one, Gustavo Rojas Pinilla, marched into the streets in demonstrations protesting alleged electoral fraud.

The lead in yesterday's voting swung overnight from General Rojas, the former dictator, to Misael Pastrana, the candidate of the governing coalition parties. This change and the fraud charges prompted several street demonstrations followers of General Rojas. Companies of military police carrying rifles contained the demonstrations in downtown Bogota. There were no reports of injuries.

The difference in the votes for the two leading candidates was so small that President Carlos Lleras Restrepo said in a nationwide television and radio speech that the final results would not be known until Sunday. The latest official returns, with 93 per cent of the polling places reporting, was 1,447,121 votes for Mr. Pastrana and 1,442,532 for General Rojas.

Mr. Pastrana, the 46-year-old former Ambassador to Washington, who is backed by the constitutional coalition that has governed Colombia for the last twelve years, claimed victory in an afternoon news conference.

Mr. Pastrana's cautious statement that he was "amply satisfied to see how a margin in my favor is being consolidated," contrasted with General Rojas' flat, confident assertion that he had won and that the Government was delaying the vote count in order to adulterate the results.

The empty lots around Mr. Pastrana's isolated home were patrolled by army troops in battle gear and national policemen.

General Rojas, in an interview today, said, "There is no explanation for delaying [the vote count] except that the delay is part of an attempt to use fraud."

"I am sure that the people will not resign themselves to the bald robbery of their election victory," the 70-year-old retired general added. "I must make it clear that when the reaction comes, General Rojas Pinilla has no responsibility for it."

The general said that he had given orders to his followers for peaceful victory demonstrations, telling them to avoid violence.

The general campaigned as the champion

of the poor in opposing the ruling coalition represented by Mr. Pastrana. The coalition of the Liberal Conservative parties was also represented in the race by two other candidates, who conceded defeat last night.

JUDGE JULIUS J. HOFFMAN

Mr. DOLE. Mr. President, one of the foundations of this Nation is our judicial system. That system is now under siege. Attempts have been made to disrupt the procedures which have historically been the last bastion of individual rights. Rather than sanctuaries of dispassionate reason, some would make our courts centers of emotional demonstration, and have sought to abandon the rule of persuasion for a strategy of intimidation.

The trial of the Chicago 7 saw such an attempt to disrupt our judicial system. The Senator from Illinois (Mr. SMITH) spoke to this issue at a Veterans of Foreign Wars "Man of the Year" dinner honoring U.S. District Judge Julius J. Hoffman, the presiding judge at that trial.

I ask unanimous consent that Senator SMITH's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR RALPH TYLER SMITH OF ILLINOIS, PRESENTED AT VFW MAN OF THE YEAR DINNER HONORING U.S. DISTRICT JUDGE JULIUS J. HOFFMAN, CHICAGO, MAY 4, 1970

In the United States of America, people don't defame and curse a judge in his courtroom and get away with it. It is for upholding the essential dignity of our courts—the foundation of our government of law—against those who advocate anarchy in our courtrooms that we honor Judge Hoffman tonight.

During the long months of the Chicago Seven trial, this courageous man suffered the most calculated and incredible abuse that has ever been thrown at an American court. Every day of this trial he was vilified by the Chicago Seven defendants and their attorneys. Every day he firmly conducted his court to give the defendants the fair trial they were entitled to under our law. And when the trial concluded, he fairly and courageously imposed punishment on these offenders for contempt of court.

This is a man we all are proud to have as a member of our judiciary. This is a man who has conducted himself in the highest tradition of the judiciary. He has personally faced up to a problem that we must face individually and collectively as a nation.

What we do with the unruly defendant in a criminal proceeding—the defendant whose sole objective is to degrade the court and destroy the very system of law which guarantees him freedom and liberty, is a problem for all America. But first and foremost it is a problem for the judge and for those of us who serve in public office and must provide any needed mechanical tools.

I don't see the need for any complicated solutions for these people and for the problems they create. I agree with what I know is Judge Hoffman's philosophy. If they violate our laws, arrest them. If the evidence warrants it, indict them. If they are found guilty in a fair trial, convict and punish them. And if they fail to exhibit proper respect for our courts in the process of the trial, cite them for contempt, and punish them for that.

This is our system. It is not a perfect system. Nothing devised and operated by mere human beings is perfect, but it is a good and a sound system. I challenge the malcontents who would destroy our system to suggest a better one. They have not done so. They cannot do so. They can only destroy and create anarchy if we are weak enough to let them.

Only 25 years ago this week, the Nazi Government of Germany surrendered to the allies. I see no real difference between the Nazis who burned books and committed acts of violence against people who stood against them and the destroyers in our own country who burn our universities, violate the property rights of our citizens and throw stones at policemen and college officials.

All of us, private citizens and public officials alike, show profit from this example of Julius Hoffman. We must stand united against those who defame our courageous policemen by calling them 'pigs' or 'storm troopers in blue.'

We must start doing something about the stormtroopers in hippie beads. And I think the place to start is our homes. If I had a youngster like that in college, I would not continue to finance his negative attempt at education and his raids on the college administration building. I would rather send him a bar of soap and a copy of the golden rule. And then I would search my soul to see where I had failed with him—how I had permitted him to get so far off the track, and to see what I might do to straighten out his warped thinking. And if all else failed, I would be willing to buy him a ticket—a one way ticket—to go live in some one of the totalitarian countries whose philosophy and tactics are so dear to the hearts of the destroyer.

There are, as all thinking people know, certain basic cornerstones upon which we in the republic have built the core of this nation's greatness. These include love of country—love which seeks always to improve and strengthen our liberty and freedom; respect for family and friends, but continual respect for the rights of others; and possibly greatest of all, respect for authority, for the law which symbolizes that authority, and for the court which represents that authority, fairly, equally and impartially with all of our citizens.

Judge Julius Hoffman symbolizes to me—to all of us who honor him here tonight—everything that is great and good in our system, and at the same time to expand and improve it for all mankind. He symbolizes the fact that law and order, in every definition of the phrase, is our first and best line of defense against the destroyers in our midst.

I am deeply honored in this privilege I have tonight to share the pleasure in commending a great American. And I am sure you join with me as we all say sincerely—God bless you, Julius Hoffman. Well done thou good and faithful servant. You have done much for us, your grateful fellow Americans.

TAX IMPACT ON NEW MEXICO SCHOOL DISTRICTS OF LOSS OF FEDERAL SUPPORT FOR PUBLIC LAW 874 IMPACTED AID

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and table prepared by the Senator from New Mexico (Mr. MONTROYA).

There being no objection, the statement and table by Senator MONTROYA were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MONTROYA

Mr. President, the Senate Committee on Labor and Public Welfare is currently considering Administration proposals to revise the P.L. 874 impact aid program. As you know, Congress enacted this funding program in 1951 out of recognition of the necessity to compensate local school districts for the added and often staggering requirement to educate the children of large numbers of government employees and military families.

Many of these people are assigned to an area for a short duration and do not contribute to the tax rolls. Furthermore, most military bases also provide post exchanges for their personnel, and this too cuts into local income because of exemption from local and state sales taxes. Moreover, there exists no authority for local communities to levy taxes on the government facilities themselves. A school District can be and is supported by taxes paid by corporations. Therefore, it is only fair that the Federal Establishment support in a similar fashion the public educational systems of its installations.

The school districts of New Mexico derive almost one-half (49.2% in 1969-1970) of their funding under P.L. 81-874 from the provisions of Sub-section 3(b). Elimination of support for this subsection as proposed by the Nixon Administration will mean the loss of over \$6.4 million in desperately-needed funds for the school districts of New Mexico.

Mr. Chairman, in relatively wealthy states this may not present such an overwhelming blow, but in states such as my own, with many heavily impacted school districts and slender tax bases, it represents an intolerable burden for reasons which I have detailed below.

A loss in revenue from any source presents a school district with the problem of finding a replacement source of funds, or suffering a reduction in the quality of education offered. If the children in federally impacted areas of New Mexico are to receive a quality, not a second-rate education, replacement of funds to offset losses in revenues from Sub-section 3(b) of P.L. 874 will ultimately increase the burden upon individual taxpayers—most likely in the form of an increase in local school district tax levies. The people of New Mexico are already staggering under the effects of inflation and the heavy tax burden they are carrying—from Federal, property, and sales taxes, plus the additional \$25 million in state income taxes imposed upon them, which was partly applied during 1969 and will be fully effective during the 1970 taxable year.

The true magnitude of loss of this vital source of Federal support can be better gauged by expressing the district's individual loss as a percentage of its 1969-1970 revenue from local school tax levies. The accompanying table, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, shows the projected loss in Subsection 3(b) funds (based upon the number of pupils supported by the subsection in 1969-1970), the total amount of revenue derived from local school tax levies, and the percentage increase in local tax levies required to match the loss in Subsection 3(b) funds. For example, in the Roswell School District, it would require a 26% increase in the local school tax levy to match the loss of \$97,224.

Mr. President, I commend this table to the attention of my distinguished colleagues in both bodies of Congress. I hope it will also serve to bring home to the Administration the point that the projected loss in federal support for P.L. 874 assistance will have very far-reaching and serious impact upon poorer school systems throughout the Nation.

PERCENTAGE INCREASES IN LOCAL SCHOOL DISTRICT TAX LEVIES REQUIRED TO MATCH LOSS OF FEDERAL FUNDS FROM SUBSECTION 3(B) OF PUBLIC LAW 81-874

School District and county	Loss of revenue from subsection 3(b)	1969-70 district school tax levy	Percentage increase required to match loss	School District and county	Loss of revenue from subsection 3(b)	1969-70 district school tax levy	Percentage increase required to match loss
Alamogordo, Otero	\$653,424	\$75,868	861	Jemez Springs, Sandoval	\$9,814	\$17,908	55
Albuquerque, Bernalillo	2,466,941	1,388,238	178	Las Cruces, Dona Ana	592,544	164,344	360
Aztec, San Juan	69,008	81,588	85	Los Lunas, Valencia	93,544	34,279	273
Belen, Valencia	53,979	68,452	79	Magdalena, Socorro	3,067	14,017	22
Bernalillo, Sandoval	43,705	22,450	195	Melrose, Curry	4,294	29,889	14
Bloomfield, San Juan	60,113	88,958	68	Moriarty, Torrance	5,061	24,384	21
Carrizozo, Lincoln	8,434	19,887	42	Mountainair, Torrance	2,454	22,790	11
Chama, Rio Arriba	24,843	16,366	152	Ojo Caliente, Taos	17,022	34,718	49
Cloudcroft, Otero	23,002	12,861	179	Penasco, Taos	13,802	6,691	206
Clovis, Curry	235,239	124,581	189	Pojoaque, Santa Fe	61,953	17,602	352
Cuba, Sandoval	23,923	15,708	152	Portales, Roosevelt	14,108	68,894	20
Dulce, Rio Arriba	2,760	41,390	7	Quemado, Catron	3,527	21,285	17
Espanola, Rio Arriba	242,446	21,113	1,148	Roswell, Chaves	97,224	378,000	26
Farmington, San Juan	258,241	252,392	102	Ruidoso, Lincoln	8,434	15,675	54
Gadsden, Dona Ana	51,832	140,690	37	Santa Fe, Santa Fe	185,554	347,761	53
Gallup, McKinley	148,443	125,550	118	Socorro, Socorro	63,974	45,217	141
Grants, Valencia	40,638	150,839	27	Taos, Taos	32,970	60,308	55
Hatch, Dona Ana	18,555	35,651	52	Truth or Consequences, Sierra	10,581	26,971	39
Jemez Mountain, Rio Arriba	36,191	45,288	80	Tularosa, Otero	86,336	15,933	542

Sources: Statistics, Public School Finance Division, State of New Mexico, 1968-69.

YALE PETITION ON PROTECTION OF AIR TRAVELERS

Mr. RIBICOFF. Mr. President, hundreds of members of the Yale University academic community sent petitions to President Nixon last month in the aftermath of the Swissair tragedy near Zurich, which took the lives of 47 innocent victims.

I have previously expressed my own outrage over this act of barbarism which took the lives of six Americans. Included in the dead were three residents of Connecticut, among them, my dear friends Dr. and Mrs. E. Richard Weinerman, of Yale.

To date, I am unaware of any effective international action which has been taken to prevent future occurrences of this kind. I hope that this issue of vital importance to air travel will not be neglected until the next murderous assault on commercial airliners.

I ask unanimous consent that a copy of the petition to the President and a listing of the signatories be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION TO PRESIDENT NIXON

On February 21, 1970, 47 passengers aboard a Swiss airliner enroute to Israel were murdered allegedly by Arab terrorists. Among the six American dead were Dr. and Mrs. E. Richard Weinerman from New Haven, Connecticut. Dr. Weinerman, Professor of Public Health and Medicine at Yale University School of Medicine, and his wife were going to Israel on a humanitarian mission to study ways of improving the health care of all people.

Future incidents of the mass murders of air travelers will continue unless this country, with its pre-eminence in the field of civil aviation, takes the lead in insuring that resolute measures are taken immediately to deal with this growing menace. The lack of firm international action against the guilty individuals and against the governments harboring, assisting and encouraging these assassins is largely responsible for this latest tragic episode in Zurich.

We, the undersigned colleagues of Professor Weinerman at Yale, strongly urge President Nixon to commit this nation, in

public statements and in deeds, to initiate an international response which will prevent recurrences of the Zurich tragedy as a step toward restoring peace in the Middle East.

SIGNATORIES TO PETITION TO PRESIDENT NIXON

Byron H. Waksman, Chairman, Microbiology.

George W. Ellison, Post-Doctoral Fellow, Microbiology.

Sydney Z. Spiegel, Graduate Student, Microbiology.

Robert J. Ruse, Graduate Student, Microbiology.

Joseph W. Lewis, Jr., M.D., Assistant in Research, Surgery.

Peter Jokl, M.D., Assistant in Research, Orthopedics.

Rufus Howard, M.D., Surgery.

Howard W. Siegel, M.D., Pathology.

Jacob J. Schlesinger, M.D., Pathology.

James L. Bauer, M.D., Pathology.

Daniel M. Albert, M.D., Ophthalmology.

Michael W. Weiner, M.D., Associate in Medicine.

Ralph F. Straup, M.D., Fellow, Urology.

Michael Kashgarian, M.D., Associate Professor, Pathology.

Mary Juibala, M.D., Assistant Resident, Pathology.

Douglas T. Domoto, M.D., Intern, Pathology.

Barbara Cooper, Pathology.

Elias Manuelidis, M.D., Professor, Pathology.

John J. Mooney, M.D., Assistant Resident, Pathology.

Bernard S. Jortner, V.M.D., Assistant Professor, Pathology.

Wm. B. McAllister, Associate Professor, Pathology.

Rhetaugh, G., Associate Professor, School of Nursing.

Vera R. Keane, Associate Professor, School of Nursing.

Sharon Schindler, Instructor, School of Nursing.

Donna Diers, Assistant Professor, School of Nursing.

Ruth Schmidt, Instructor, Research Assistant, School of Nursing.

Ann Slavinsky, Instructor, Research Assistant, School of Nursing.

John A. Wolfer, Assistant Professor, School of Nursing.

Maryann F. Pranulis, Research Assistant, School of Nursing.

Virginia Henderson, Research Associate, School of Nursing.

William K. Trinkaus, Lecturer, School of Nursing.

M. Angela McBride, Research Assistant, Psychiatric Nursing.

Morris A. Wessel, Associate Clinical Professor, Pediatrics.

A. Herbert Schwartz, Assistant Professor, Pediatrics and Psychiatry.

Charles D. Cook, M.D., Professor, Pediatrics.

Jerome Grunt, M.D., Associate Professor, Pediatrics.

Julius Landwirth, M.D., Assistant Clinical Professor, Pediatrics.

Marie J. Browne, M.D., Associate Professor, Pediatrics.

P. T. Magee, Assistant Professor, Microbiology.

Judy Stein, Research Assistant.

Jerome Eisenstadt, Associate Professor, Microbiology.

Melvyn S. Selsky, Associate Professor, Microbiology (Post-Doctoral Sabbatical).

Cynthia F. Norton, Post-Doctoral Fellow, Microbiology.

Audrey Eisenstadt, Associate in Research, Microbiology.

Barbara J. Bachmann, Lecturer & Research Associate, Microbiology.

Beatrice B. Magee, Associate in Research, Microbiology.

Catherine Black, Graduate Student, Microbiology.

Solomon Schwartz, M.D., Professor, Radiology.

Paul J. Myerson, M.D., Instructor, Radiology.

R. M. Lowman, Professor, Radiology.

Dana Osborn, Assistant Professor, Radiology.

Dana Dubash, Assistant Professor, Radiology.

Robert Toffler, Assistant Professor, Radiology.

Dorothea R. Peck, Assistant Clinical Professor, Radiology.

Thomas J. Spackman, Assistant Professor, Radiology.

Mary F. Keohane, Associate Professor, Radiology.

Denny Osborne, Clinical Instructor.

Harvey Liehaber, Assistant Professor, Epidemiology & Microbiology.

Alfred S. Evans, Professor, Epidemiology.

James C. Niederman, Associate Clinical Professor of Epidemiology and Medicine.

Dorothy M. Horstmann, Professor, Epidemiology and Pediatrics.

John T. Riordan, Research Assistant, Epidemiology and Public Health.

Edward M. Opton, Research Associate, Epidemiology and Public Health.

Richard Danford, M.D., Fellow, Radiology.

R. Ballantyn, Resident, Radiology.

- Daniel Myerson, M.D., Instructor, Radiology.
- Gerald Fishbone, M.D., Assistant Professor, Radiology.
- Donald Mandelbaum, M.D., Resident, Radiology.
- John M. Long, M.D., Resident, Radiology.
- David Thompson, M.D., Resident, Radiology.
- Albert M. Rosue, M.D., Assistant Resident, Radiology.
- Jeffrey S. Blair, M.D., Assistant Resident, Radiology.
- Edward M. Druy, M.D., Resident, Radiology.
- John T. Mallams, M.D., Professor, Radiology.
- A. Finesilver, M.D., Resident, Radiology.
- Thomas Robinson, M.D., Resident, Radiology.
- Kenneth A. Pruett, M.D., Instructor, Obstetrics-Gynecology.
- Leonard R. Prosnitz, M.D., Assistant Professor, Radiology.
- K. Keniston, Professor, Psychiatry.
- Sylvia Rifkin, Secretary, Behavioral Sciences.
- Mary Dixon, Secretary, Behavioral Sciences.
- Georgia Goeters, Secretary, Psychiatry.
- Albert Rothenberg, Associate Professor, Psychiatry.
- Genoveva Palmieri, Secretary, Psychiatry.
- Marion L. Brooks, Secretary, Psychiatry.
- Daniel P. Schwartz, Associate Clinical Professor, Psychiatry.
- Gail Wilson, Secretary, Psychiatry.
- Catherine Molloy, Secretary, Psychiatry.
- Rita Hannon, Secretary, Psychiatry.
- Judy Vollono, Secretary, Psychiatry.
- Arthur S. Blank, Jr., M.D., Assistant Professor, Psychiatry.
- Charles Gardner, M.D., Associate Clinical Professor, Psychiatry.
- Samuel Roll, Ph. D., Fellow, Psychiatry-Psychology.
- J. G. Schimek, Assistant Professor, Psychiatry-Psychology.
- Sidney J. Blatt, Ph. D., Associate Professor, Psychology-Psychiatry.
- C. Brenner, Ph. D., Assistant Professor, Psychology-Psychiatry.
- Nea M. Norton, Associate Professor, Clinical Psychiatry.
- George F. Mahl, Professor, Psychology-Psychiatry.
- Ruth Lidz, Associate Clinical Professor, Psychiatry.
- Ira S. Goldenberg, Professor, Surgery.
- Frederick G. Adams, Assistant to the President, University of Connecticut.
- Eugene Vayda, M.D., Post-Doctoral Fellow, Public Health.
- Jerome S. Beloff, M.D., Assistant Professor, Public Health and Pediatrics.
- Eugene S. Mayer, M.D., Post-Doctoral Fellow, Preventive Medicine.
- John D. Thompson, Professor, Yale University.
- M. Elizabeth Tennant, Associate Professor Emeritus.
- Dena B. Vosper, Librarian, Public Health.
- Jules V. Coleman, M.D., Clinical Professor, Public Health and Psychiatry.
- Elliot A. Segal, Lecturer, Yale Medical School.
- Edgar W. Francisco, Research Associate.
- A. J. Viseltear, Ph. D., Assistant Professor, Public Health (Medical Care).
- Hyman K. Schonfeld, Associate Professor of Public Health (Medical Care).
- David A. Pearson, Research Associate, and Coordinator, Regional Medical Activities.
- Carol T. Schreiber, Research Associate, Public Health.
- Thomas B. Stim, Research Associate, Public Health.
- Edward M. Cohart, Professor, Public Health.
- Lorraine V. Klerman, Assistant Professor, Public Health.
- Robert W. Simmons.
- Walter O. Spitzer, M.D., Post-Doctoral Fellow, Public Health.
- M. Harvey Brenner, Assistant Professor, Public Health, Sociology.
- Rosemary Stevens, Assistant Professor, Public Health.
- Nina Glickson, Yale College, 1973.
- Barbara Wagner, Yale College, 1973.
- Barry Weise, Yale College, 1973.
- Gary Johnson, Yale College, 1971.
- Ann Schongalla, Yale College, 1973.
- Jonathan Cave, Yale College, 1973.
- Scott Wellenbach, Yale College.
- Ruth E. Klarman, Yale College, 1971.
- Jarlath Johnston, Yale College, 1971.
- Jonathan Etra, Yale College, 1973.
- Robert G. Anderson, Jr., Yale College, 1972.
- Joseph W. Ambash, Yale College, 1970.
- Brian D. Joseph, Yale College, 1973.
- Kenneth L. Marton, Yale College, 1973.
- Nancy Bregstein, Yale College, 1973.
- John Diamond, Yale College, 1972.
- Catherine Johnson, Yale College, 1973.
- Rachael Welber, Yale College, 1973.
- Mark W. Summers, Yale College, 1973.
- Raymond Rund, Yale College, 1972.
- David O. Stewart, Yale College, 1973.
- John B. Imboden, Jr., Yale College, 1973.
- Joel Krieger, Yale College, 1973.
- Harvey E. Harrison, Yale College, 1973.
- Joel Wald, Yale College, 1973.
- Abigail F. Freedman, Yale College, 1973.
- Alan Cameron, Yale College, 1973.
- Thomas J. Barbieri, Yale College, 1971.
- Johathan Isbit, Yale College, 1971.
- Philip Hirsch, Yale College, 1973.
- Harvey Bock, Yale College, 1972.
- Neil M. Resnick, Yale College, 1972.
- Patricia J. Smith, Yale College, 1971.
- Janet Kitzes, Yale College, 1971.
- Philip Perskie, Yale College, 1972.
- Richard Watson, Yale College, 1972.
- Robert B. Liberman, Yale College, 1973.
- Peter Connolly, Yale College, 1973.
- Daniel Moran, Jr., Yale College, 1973.
- Leonora Stephins, Yale College, 1973.
- Ronald A. Zutz, Yale College, 1973.
- Jim Lewis, Yale College, 1972.
- Bob Horner, Yale College, 1972.
- Ira Nerken, Yale College, 1972.
- Douglas McKinney, Yale College, 1971.
- Stuart Schoffman, Yale College.
- Jonathan Pendleton, Yale College, 1971.
- Eleni Skevas, Yale College, 1971.
- Steven Lieberman, Yale College, 1972.
- Thomas Handel, Yale College, 1970.
- Stewart Johnston, Yale College, 1972.
- Frank Jones, Yale College, 1973.
- Mark Singer, Yale College, 1972.
- Norman J. Resnicow, Yale Law School.
- David Kusnet, Yale College.
- David Quint, Yale College, 1971.
- James Nugent, Yale College, 1973.
- Kathleen Keenan, Yale College, 1972.
- Steve Greenberg, Yale College.
- Rosalie Fink, Yale Law School.
- Thomas Selz, Yale Law School.
- James Rothman, Yale College, 1971.
- Alan Melsel, Yale Law School, 1972.
- Lance Jayne, Yale College, 1970.
- R. Wilensky, Yale College, 1972.
- Alfredo Axtmayer, Yale College, 1972.
- Robert Guss, Yale College, 1972.
- Jay Gittin, Yale College, 1971.
- Eva Allen, Yale College.
- David Pulman, Yale College, 1970.
- Christopher Cayne, Yale College, 1973.
- Eric Sigmund, Yale College, 1973.
- Ralph Wolfe, Yale College, 1971.
- John Eure, Yale College, 1971.
- William Teller, Yale College, 1972.
- Gerald Kelly, Yale College, 1973.
- Ellen Lerner, Yale College, 1971.
- Penny Spencer, Staff, Yale Music School.
- D. Harey, Yale College, 1971.
- Peter Tropper, Yale College, 1973.
- Sandy Mayerson, Yale College, 1973.
- Andy Alpert, Yale College, 1973.
- Tom Walker, Yale College, 1970.
- Eric Zahler, Yale College, 1972.
- Karla C. Fosythe, Yale College, 1971.
- Charles N. Rostow, Yale College, 1972.
- Jane Platt, Yale Graduate School—Psychology.
- Rodger Kamenetz, Yale College, 1970.
- Jeffrey Orleans, Yale College, 1967.
- Dean Silverman, Yale College, 1973.
- Neil Blumberg, Yale College, 1970.
- Gary Tendear, Yale College, 1970.
- Robert Milstein, Yale College, 1970.
- Richard Kolchir, Yale College, 1973.
- Taylor M. Vincent, Yale College, 1971.
- Deena J. Nelson, Yale College, 1973.
- William Dillingher, Yale College, 1973.
- Joseph Grundfest, Yale College, 1973.
- John Amershadian, Yale College, 1973.
- Scott R. Dardig, Yale College, 1973.
- Martin Maler, Yale College, 1973.
- Irwin Popowsley, Yale College, 1972.
- Marck Cohan, Yale College, 1970.
- Ellen Odoner, Yale College, 1973.
- Peter Ochs, Yale College, 1971.
- Tan Wee Howe, Yale College, 1973.
- Eric A. White, Yale College, 1970.
- Bruce Peider, Yale College, 1971.
- Michael Gewitz, Yale College, 1970.
- James McDonald, Yale College, 1973.
- Mark Jaffe, Yale College, 1970.
- Ross Pollack, Yale College, 1970.
- Ron Knight, Yale College, 1972.
- Marc Cooper, Yale College, 1972.
- Robert Blank, Yale College, 1970.
- David Miller, Yale College, 1973.
- Thomas Stevens, Yale College, 1973.
- Arvin Mirow, Yale College, 1973.
- Jeffrey Lewis, Yale College, 1970.
- Lenn J. Schramm, Yale College, 1971.
- Cecil Beessen, Yale College, 1973.
- Donna Brown, Yale College, 1973.
- David Douiger, Yale College, 1973.
- Jan Roth, Yale College, 1972.
- Mitchell Levine, Yale College, 1973.
- Jeffrey P. Moskowitz, Yale College, 1973.
- Fred Friedman, Yale College, 1973.
- Lyle A. Fishman, Yale College, 1973.
- Phil Stubiz, Yale College, 1971.
- Peter Kyros, Jr., Yale College, 1970.
- Carol Duchow, Yale College, 1973.
- John R. Muenster, Yale College, 1971.
- J. David Fine, Yale College, 1972.
- Mark Spiegel, Yale College, 1971.
- David Geffen, Yale College, 1973.
- Ethan Kra, Yale College Graduate.
- Ira Gewolb, Yale College, 1972.
- Marshall Littman, Yale College, 1971.
- Edwin F. Lowey, Yale College, 1973.
- Andy Elland, Yale College, 1973.
- William Hoffman, Yale College, 1973.
- Warren Goldstein, Yale College, 1973.
- Diane Pollar, Yale College, 1973.
- James Weber, Yale College, 1970.
- Scott Parris, Yale College, 1973.
- Kenneth Koford, Yale College, 1970.
- Jonathan J. Jerison, Yale College, 1973.
- Deborah Stern, Yale College, 1973.
- Ben Shifer, Yale College, 1970.
- Frank Krejcl, Yale College, 1972.
- John Eleftheriades, Yale College, 1972.
- Stephen Taylor, Yale College, 1973.
- Mrs. H. Bedford.
- Gary McDonough, Yale College, 1973.
- Janet G. Klauber, Yale College, 1973.
- Laurence A. Smolley, Yale College, 1972.
- Mitchell Max, Yale College, 1970.
- Gil Oberfield, Yale College, 1973.
- Fred Detch, Yale College, 1973.
- Joseph Kasir, Yale College, 1973.
- Byron Welkey, Yale College, 1972.
- Elon Gale, Yale College, 1971.
- Bob Reeves, Yale College, 1973.
- Bruce Rubin, Yale College, 1973.
- David R. Ostrander, Yale College, 1971.
- Peter H. Behr, Jr., Yale College, 1970.
- Edward R. Voytovich, Yale College, 1971.
- Jonathan M. Wohl, Yale College, 1971.
- Charles R. Jacob, III, Yale College, 1973.
- Jeffrey Laser, Yale College, 1973.
- John Predman, Yale College, 1972.
- Michael J. Goldberg, Yale College, 1973.
- Geoffrey B. Manoil, Yale College, 1973.
- Edwin S. Grosvenor, Yale College, 1973.
- Robert J. Katzenstein, Yale College, 1973.
- Keith Ingber, Yale College, 1973.
- Alex Kerr, Yale College, 1973.
- Barney Brawer, Yale College, 1969.
- Elliot K. Main, Yale College, 1973.
- David G. Watson, Yale College, 1970.
- Steven H. Waterman, Yale College, 1973.

Douglass Smith, Yale College, 1973.
 Donald A. Bailey, Yale College, 1973.
 Daniel P. Johnson, Yale College, 1973.
 Eric J. Oxfeld, Yale College, 1973.
 Barry S. Lusher, Yale College, 1973.
 David K. MacGillis, Yale College, 1973.
 Stephen R. Young, Yale College, 1973.
 Barbara Zera, Yale College, 1973.
 Martin Gatter, Yale College, 1973.
 Steven Bachrach, Yale College, 1970.
 Robin Freedman, Yale College, 1973.
 Andrea Jacobs, Yale College, 1973.
 James Adkins, Yale College, 1973.
 Miles Hoffman, Yale College, 1973.
 Paul C. Sherry, Yale College, 1973.
 Mary Posses, Yale College, 1972.
 Jeffrey Meyer, Yale College, 1973.
 Zoltan Fischer, Yale College, 1970.
 Fredric Bell, Yale College, 1973.
 Leonard Levine, Yale College, 1973.
 Ross Stone, Yale College, 1973.
 Tom Slater, Yale College, 1972.
 Ricky Schneider, Yale College, 1973.
 Marc Dorfman, Yale College, 1973.
 George Wimpfheimer, Yale College, 1972.
 K. L. Spector, Yale College, 1972.
 W. J. Robbins, Yale College, 1972.
 Dr. Sidney Berman, Psychiatrist, Yale Department, University Health.
 Martin Lewis, Yale College, 1973.
 Tom Milch, Yale College, 1973.
 Geoffrey P. Brown, Yale College, 1973.
 Peter Hickok, Yale College, 1973.
 John Berton Fisher, Yale College, 1973.
 John F. Cooney, Yale College, 1973.
 Jerome D. Levine, Yale College, 1972.
 Steven Strom, Yale College, 1972.
 Claudia Versfelt, Yale College, 1972.
 Robert S. Stern, Yale Medical School, 1970.
 Deborah Bernick, Yale College, 1972.
 Shelley Fisher, Yale College, 1971.
 Mindy Portnoy, Yale College, 1973.
 Paul A. Tidwell, Yale College, 1973.
 Janet Weiss, Yale College, 1973.
 Mitchell B. Dubick, Yale College, 1972.
 Lynne Rutkin, Yale College, 1972.
 Rosann Greenspan, Yale College, 1971.
 Robert Luft, Yale College, 1973.
 Gary G. Gutierrez, Yale College, 1972.
 David Holahan, Yale College, 1971.
 David Tweedy, Yale College, 1972.
 Terry Lawrence, Yale College, 1970.
 Stephen Makler, Yale College, 1971.
 Julian Kurtz, Yale College, 1973.
 Deborah Rothman, Yale College.
 Bob Wassmar, Yale College, 1973.
 Steve Goldberg, Yale College, 1973.
 Stephen M. Rosenthal, Yale College, 1972.
 Evan Ellman, Yale College, 1971.
 David Johnson, Yale College, 1972.
 Gerson Marc Sternstein, Yale College, 1973.
 Ron Neumann, Yale College, 1973.
 Daniel Friedman, Yale College, 1971.
 Mark Klass, Southern Conn. State College, 1971.
 Gay Meltzer, Yale College, 1973.
 Richard Kroop, Yale College, 1972.
 Bob Greenwald, Yale College, 1970.
 Patricia A. Kane, Yale College, 1971.
 Larry Morris, Yale College, 1972.
 Donald R. Ware, Yale College, 1971.
 Marvin Torfield, Yale College, 1970.
 Lawrence Alexander, Yale College, 1972.
 Lee C. Larker, Yale College, 1973.
 James V. Kosnett, Yale College, 1973.
 Hammond T. Brown, Yale College, 1973.
 Steven F. Hecker, Yale College, 1972.
 Michael H. Mobbs, Yale College, 1971.
 Solomon Baranes, Yale College, 1973.
 Robert Yood, Yale College, 1970.
 Jay L. Meizlish, Yale College, 1973.
 Karen Reeves, Yale College, 1972.
 Keman Garvey, Yale College, 1973.
 David R. Jefferson, Yale College, 1970.
 Kenneth Rothaus, Yale College, 1971.
 Amy Solomon, Yale College, 1973.
 Lawrence B. Engel, Yale College, 1971.
 Jack Langer, Yale College, 1971.
 Jeffrey I. Zuckerman, Yale Law School, 1972.
 Kenneth C. Pascal, Yale College, 1970.
 John G. Shaw, Yale College, 1971.

Mike McNulty, Yale College, 1973.
 Susan Warren, Yale College, 1973.
 Richard Zweig, Yale College, 1973.
 Dahilla Rudavsky, Yale College, 1973.
 Karyllyn Waranch, Yale College.
 Michael Wolf, Yale College, 1970.
 Jonathan M. Clive, Graduate School, 1971.
 Carolyn Lewis, Yale College, 1971.
 Moshe Ron, Yale College.
 Marshall R. Posner, Yale College, 1971.
 Laurence D. Meisel, Yale College, 1971.
 Robert C. Cummins, Yale College, 1973.
 John Carr, Yale College, 1973.
 Jeff Kraus, Yale College, 1972.
 Dale Nicholls, Yale College, 1972.
 Morris Grossfeld, Yale College, 1972.
 Charles Alpers, Yale College, 1973.
 Jerome Adler, Yale College, 1970.
 Carl Pasey, Graduate Student, Philosophy.
 Arvid E. Roach, II, Yale College, 1972.
 Linda Jonas, Yale Music School, 1970.
 Teddy Bofman, Graduate School, South East Asia.
 Kristin M. Housir, Yale College, 1971.
 Robert Kimball, Yale Faculty.
 Roy A. Israel, Yale College, 1973.
 Maxine K. Heller, Yale M.A.T., 1970.
 David McAllister, Yale College, 1973.
 Darryle Pollack, Yale College, 1971.
 Brian G. Stewart, Yale College, 1973.
 Michelle Patterson, Graduate Student, Sociology.
 Celia T. Pettit, Secretary.
 Linda Burgey, Secretary.
 Kenneth Cashdollar, Assistant in Research.
 Eleanor L. Ford, Secretary.
 Marjorie Drucker, Instructor.
 Wanda Turfboer, Research Associate.
 Susan Shackelford, Assistant in Research.
 Eric W. Mood, Associate Professor.
 Patricia Wislocki, Secretary.
 Marianne C. Mazan, Administrative Assistant.
 Roy A. Copper, Technician.
 Marilyn Neschie, Technician.
 Gertrude Laden, Secretary.
 Meredith Nunes, Research Assistant.
 Jennifer Kelsey, Assistant Professor.
 Stanislav V. Kasl, Associate Professor.
 Mary Silbert, Secretary.
 J. Wister Meigs, Associate Professor.
 Brian P. Leaderer, Student.
 Anthony Liuzzi, Assistant Professor.
 Dorothy K. Somers, Secretary.
 Kathryn M. Pettit, Secretary.
 Arthur Berarducci, Student.
 Nathan Kase, Prof. and Chairman, OB/GYN.
 Robert H. Glass, M.D., Associate Prof. OB/GYN.
 Maelyn E. Wade, M.D., Associate Prof. OB/GYN.
 Phillip M. Sarrei, M.D., Assistant Prof. OB/GYN.
 Ernest I. Kohorn, Associate Prof. OB/GYN.
 Leandis Cordero, M.D., Assistant Prof. OB/GYN.
 Ammon Makler, M.D., Postdoctoral Fellow, OB/GYN.
 Christina K. Simmons, Secretary.
 Charles Nordin, Yale College, 1971.
 Pete C. Sharks, Yale College, 1973.
 Kathleen H. Howe, Assistant Professor, Public Health.
 Fred Anderson, M.D., Resident, Radiology.
 Theodore Lidz, Prof. of Psychiatry.
 Jeff Sharp, Yale College, 1973.
 Gary Chesnin, Yale College, 1973.
 Chuck Kieffer, Yale College, 1973.
 Frederic Wocher, Yale College, 1972.
 Leonard Marcus, Yale College, 1972.
 Ellen Marshall, Yale College, 1971.
 Floyd H. Bradley, III, Yale College, 1973.
 Joaquin Avila, Yale College, 1970.
 Fritz Johnson, Yale College, 1973.
 Jonathan Leffell, Yale College, 1972.
 Steven Skolnik, Yale College, 1972.
 Alan Rozanski, Yale College, 1972.
 Ruth Lansner, Yale College, 1971.
 Eva Resnicow, Yale College, 1972.
 Seventy-four names were not legible and therefore are not included in this listing.

FEDERAL IMPACT AID LEGISLATION; EFFECT ON LOCAL TAXES EXPLAINED BY BOARD MEMBER BRASHEARS, OF HARLANDALE INDEPENDENT SCHOOL DISTRICT

Mr. YARBOROUGH. Mr. President, last week, the Education Subcommittee of the Committee on Labor and Public Welfare held hearings on the administration plan to curtail assistance to school districts affected by Federal activities.

Among the witnesses to appear in opposition was a member of the school board of the Harlandale Independent School District in San Antonio, Tex. He is Mr. W. S. Brashears. Mr. Brashears effectively described the importance of impact aid to his school district. He pointed out the heavy burden for education assumed by local taxpayers, and the fact that even aid under Public Law 874 does not adequately meet the cost of children residing in the district because of tax-free Federal activities.

Let Members of Congress bear in mind that if Federal property were taxed for school purposes at the rate paid by other property owners in each school district, it would cost the Federal Government many times more than the sum we now appropriate for impact aid. Federal activities are already heavily subsidized for school purposes. The administration plan to throw even more of the burden on local business and homeowners should be rejected.

I ask unanimous consent that Mr. Brashears' testimony on this matter before the Education Subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON BEHALF OF THE HARLANDALE INDEPENDENT SCHOOL DISTRICT, SAN ANTONIO, TEX.

(By Mr. W. S. (Bill) Brashears)

Mr. Chairman, Members of the Committee, my name is W. S. (Bill) Brashears, and I am a member of the Board of Trustees of the Harlandale Independent School District located in San Antonio, Texas. I have served as a member of the Board for a total of ten years, two of which were in the capacity of president.

The Harlandale Independent School District is located entirely within the city limits of San Antonio, Texas. The peak enrollment for the 1969-70 school year has been 17,349 students. The total population within the district boundaries, according to the latest auditors report, is 87,000 residents. There are 7 members of the Board of Trustees which set the educational policy for a staff of seven hundred sixty-six professional personnel and three hundred fifty-three non-professional personnel, making a total of one thousand, one hundred nineteen (1,119) staff members.

May I offer the sincere appreciation and thanks of the patrons, students, and teachers of the Harlandale Independent School District for the opportunity to submit to you this information. I trust it may be helpful to you in understanding the serious nature of any curtailment or discontinuation of impact aid funds to the Harlandale Independent School District.

The Harlandale Schools have received federal impact aid each year since the 1950-51 school year. Table I indicates the entitlements have grown from \$91,347.81 in 1950-51 to a present entitlement of \$638,242.00 for the 1969-70 school year. (See Appendix Table I)

Parallel growth in enrollment of federally connected students is reflected in Table II where we see a total of 1595 federally connected students in 1950-51 compared to the present 4142 federally connected students in 1969-70. Table II clearly refutes statements that have been made to the effect that there no longer is a need for impact aid because of the reduction in federal activities. The reverse is true in San Antonio and particularly in the Harlandale Independent School District.

Of the 4,142 federally connected students presently enrolled (which is 25% of the total enrollment) 544 are students having a parent serving in the armed forces of the United States. In addition, 2814 are located at Kelly Air Force Base, 238 at Lackland Air Force Base, 108 at Brooks Air Force Base, and 207 on Fort Sam Houston. All of the installations are located a short distance from our school district. (See Appendix, Table II).

Local taxes pay less than 20% of the budget of the Harlandale Independent School District for the 1969-70 school year. At present, property owners are being taxed at 70% of the market value of their property in order to meet the maintenance-operation and debt service obligations of the district. Only two other local districts of the seventeen located in Bexar County, assess property at this high level of market value.

10% of the operational budget of the Harlandale Independent School District comes from impacted aid funds. Table III shows a comparison of student population, assessed valuation and taxable dollars per student in the 34 largest school districts in Texas. This table reflects \$6,480.00 taxable value per student in the Harlandale Independent School District with 30 districts having more property value per pupil, the highest being Dallas, Texas, with \$23,600.00 per pupil. (See Appendix, Table III)

Table IV shows the distribution of funds from impacted aid in the Harlandale Independent School District for the school years 1968-69 and 1969-70. Approximately 68% of these funds are expended for salary supplements of personnel to operate the schools. Other expenditures include general maintenance. (See Appendix, Table IV)

The large number of federally connected parents residing in our district expect a quality educational program. Because of the impact aid funds we have been able to offer such a program. Curtailment in the quality and quantity of teaching personnel, reduction of supplies for the classrooms, decreased sick leave benefits and curtailment of maintenance services will not be acceptable to these parents. The number of federally connected students and the growth of this number as previously shown, reflect that impact aid as conceived by the federal government nineteen years ago is more of a necessity now than when the legislation was originally passed and funded.

Category B pupils do present a burden to our school district. An example is the Mother of five children whose husband is being sent to Viet Nam. Because of previous assignments in the San Antonio area, the family decides to return for residence while awaiting the completion of the father's tour of duty. Base housing is not available, therefore, the family finds residence close to the base which is located in our district. It is necessary for this district to assume the obligation of providing a quality educational program for these children.

Large concentrations of military installations in an area such as San Antonio result in a lack of industrial development. Since military installations are tax-free, the area has less tax base upon which to operate its schools. A low tax base makes it difficult for a school district to carry reserves to meet a crisis, such as curtailment or discontinuations of funds such as impact aid.

Many school districts in the area find themselves in a serious dilemma because of the questions raised concerning continuation of impact aid funds. Table VI shows twelve school districts located in Bexar County, Texas, having 27.04% of all students enrolled being federally connected. The total entitlement for these twelve schools (1969-70 school year) under impacted aid funds is \$7,100,971.00. There are 50,385 federally connected students and 135,940 non-federally connected students.

The January, 1970, issue of School Management magazine indicates, "The nation's median school district spending \$582.00 per elementary pupil and \$757.00 per secondary pupil". The Harlandale Independent School District, including impact aid funds, will spend \$412.18 per pupil. It is obvious that our school district with a large concentration of Category B pupils cannot, either through local or state funds, absorb loss of entitlement under impact aid legislation.

In conclusion, I would encourage the Committee to recognize the multitude of school districts that will be faced with serious curtailment or discontinuation of salary supplements, numbers of personnel, both professional and non-professional, and needed instructional equipment and supplies, if these funds are withdrawn.

Year	Entitlement	Received	Percentage received
1960-61	308,932.00	308,932.00	100.0
1961-62	327,903.00	327,903.00	100.0
1962-63	348,204.00	348,204.00	100.0
1963-64	375,406.00	385,406.00	100.0
1964-65	397,243.00	397,243.00	100.0
1965-66	438,252.00	438,252.00	100.0
1966-67	472,489.00	472,489.00	100.0
1967-68	492,632.00	482,779.00	98.0
1968-69	556,579.00	499,060.96	89.7
1969-70	638,242.70		

INFORMATION ON SCHOOL SYSTEMS HAVING 13,000 OR MORE ADA

School districts	Student population (ADA gross)	Assessed valuation (thousands)	Taxable dollars per student
1. Houston	207,704	4,170,669	20,079
2. Dallas	141,732	3,345,000	23,600
3. Fort Worth	175,379	1,219,247	16,174
4. San Antonio	70,040	705,137	10,067
5. El Paso	6,215	535,841	9,531
6. Austin	47,136	925,000	19,624
7. Corpus Christi	42,095	550,000	13,065
8. Spring Branch	31,958	660,000	20,652
9. Lubbock	31,358	603,682	19,251
10. Pasadena	31,350	545,501	17,400
11. Ysleta	28,364	232,065	8,181
12. Amarillo	27,267	537,000	19,694
13. Richardson	25,332	592,500	23,389
14. North East (San Antonio)	24,406	431,000	17,659
15. Ector County	23,034	596,500	25,896
16. Irving	21,049	350,905	16,670
17. Edgewood (San Antonio)	20,424	66,072	3,235
18. Arlington	19,112	389,851	20,398
19. Aldine	18,076	190,000	10,511
20. Abilene	17,853	252,700	8,638
21. Garland	17,772	240,926	13,556
22. Waco	17,648	260,000	14,732
23. Wichita Falls	17,262	248,779	14,411
24. Laredo	16,671	83,000	4,978
25. Midland	16,604	363,000	21,862
26. Brownsville	15,997	109,000	6,813
27. Northside (San Antonio)	15,934	196,000	12,300
28. Harlandale (San Antonio)	15,662	101,500	6,480
29. Tyler	14,999	349,000	23,268
30. Port Arthur	14,897	362,000	24,300
31. Hurst Euleless-Bedford	14,150	217,000	15,335
32. Beaumont	13,930	278,000	19,956
33. San Angelo	13,708	190,750	13,915
34. Northeast (Houston)	13,163	125,000	9,496

APPENDIX

HISTORY OF 874 FUNDS RECEIVED IN HARLANDALE INDEPENDENT SCHOOL DISTRICT

Year	Entitlement	Received	Percentage received
1950-51	91,347.81	87,693.90	96.0
1951-52	121,447.15	121,447.15	100.0
1952-53	83,512.80	83,512.80	100.0
1953-54	125,241.00	125,241.00	100.0
1954-55	105,522.30	105,522.30	100.0
1955-56	180,402.49	180,402.49	100.0
1956-57	241,731.63	241,731.63	100.0
1957-58	244,818.93	244,818.93	100.0
1958-59	251,482.73	251,482.73	100.0
1959-60	285,326.00	285,326.00	100.0

DISBURSEMENTS OF 874 FUNDS FOR 2 YEARS

	1968-69	1969-70
Salary supplement	262,150	267,400
Substitute teachers	63,120	66,840
Substitute auxiliary	13,499	14,499
Supplement general maintenance	160,291	289,504
Total	\$499,060	\$638,243

* Final for 874 funds for 1968-69 was 89.7 percent of entitlement.

* Estimated 874 payment for 1969-70 at 100 percent of entitlement.

TEACHERS WITH BACHELORS

Year	State	Harlandale	Alamo Heights	Andrews	Garland	La Marque	Midland	Northeast	Northside	Richardson	Said
0	5,337	5,800	6,000	6,900	5,937	6,800	6,500	6,040	5,931	6,100	6,000
1	5,337	5,800	6,072	7,100	5,937	6,950	6,600	6,160	5,931	6,100	6,000
2	5,607	5,957	6,192	7,300	6,207	7,100	6,720	6,280	6,201	6,357	6,240
3	5,607	5,957	6,312	7,500	6,207	7,250	6,840	6,410	6,201	6,357	6,240
4	5,895	6,245	6,432	7,700	6,495	7,400	7,012	6,520	6,489	6,645	6,480
5	5,895	6,245	6,552	7,900	6,545	7,550	7,132	6,640	6,489	6,645	6,480
6	6,192	6,542	6,672	8,100	6,842	7,700	7,256	6,760	6,786	6,942	6,720
7	6,192	6,542	6,792	8,200	6,842	7,850	7,376	6,880	6,786	6,942	6,720
8	6,192	6,542	6,912	8,300	6,842	8,000	7,496	7,000	6,786	6,942	6,720
9	6,507	6,857	7,032	8,400	7,157	8,150	7,639	7,120	7,101	7,357	6,960
10	6,507	6,857	7,152	8,500	7,207	8,300	7,759	7,240		7,357	7,200
11	6,507	6,857	7,272	8,600	7,207		7,879	7,360		7,357	7,200
12	6,507	6,957	7,392	8,700	7,207			7,480		7,357	7,440
13	6,507		7,512	8,800	7,207			7,600		7,357	7,440
14	6,507		7,632	8,900	7,257			7,720			7,680
15	6,507		7,752	9,000	7,257			7,840			7,680
16	6,507		7,872		7,257			7,950			7,920
17 plus	6,507				7,257						8,160

TEACHERS WITH MASTERS

0	5,877	6,327	6,600	7,300	6,577	7,340	7,070	6,440	6,471	6,627	6,600
1	5,877	6,327	6,724	7,500	6,577	7,462	7,120	6,590	6,471	6,627	6,600
2	5,877	6,327	6,874	7,700	6,577	7,584	7,280	6,740	6,471	6,627	6,840
3	5,877	6,327	7,024	7,900	6,577	7,706	7,440	6,890	6,471	6,627	6,840
4	6,912	6,542	7,174	8,100	6,892	7,828	7,623	7,040	6,786	6,942	7,080
5	6,912	6,542	7,324	8,300	6,942	7,950	7,783	7,190	6,786	6,942	7,080
6	6,507	6,857	7,474	8,500	7,257	8,072	8,024	7,340	7,101	7,257	7,320
7	6,507	6,857	7,624	8,600	7,257	8,194	8,184	7,490	7,101	7,257	7,320
8	6,840	7,190	7,774	8,700	7,590	8,316	8,384	7,640	7,434	7,590	7,560
9	6,840	7,190	7,924	8,800	7,590	8,438	8,544	7,790	7,434	7,590	7,560
10	6,840	7,190	8,074	8,900	7,640	8,560	8,704	7,940	7,434	7,590	7,800
11	6,840	7,532	8,224	9,000	7,982	8,682	8,855	8,090	7,776	7,932	7,800
12	7,182	7,532	8,374	9,100	7,982	8,804	9,015	8,240	7,776	7,932	8,040
13	7,182	7,532	8,524	9,200	7,982	8,926	9,175	8,390	7,776	7,932	8,040
14	7,542	7,892	8,674	9,300	8,342	9,048	9,175	8,540	8,136	8,292	8,280
15	7,542	7,892	8,824	9,400	8,392	9,170	9,175	8,690	8,136	8,292	8,280
16	7,731	8,181	8,974	9,500	8,581	9,292	9,175	8,840	8,325	8,581	8,520
17	7,731	8,181	9,124	9,600	8,581	9,414	9,175	8,990	8,325	8,581	8,760
18 plus	7,731	8,181	9,124	9,700	8,581	9,536	9,175	9,140	8,325	8,581	9,000

¹ San Antonio Independent School District.

TABLE VI.—SCHOOL DISTRICTS OF BEXAR COUNTY, TEX.—FEDERAL FUNDS, PUBLIC LAW 874 ONLY

Year	Federally connected students	Non-federally connected students	Percent of federally connected students of total	Amount 874 funds	Operation and maintenance budget for district	Percent of 874 funds in operation and maintenance budget
1964-65	39,889	115,901	25.60	\$3,354,927	\$44,100,631	7.61
1965-66	43,423	119,710	26.62	4,399,929	50,683,318	8.68
1966-67	48,514	121,289	28.57	5,230,031	54,986,177	9.51
1967-68	59,988	125,912	28.82	5,638,386	62,920,013	8.96
1968-69	50,299	131,472	27.67	6,186,033	72,189,394	8.57
1969-70	50,385	135,940	27.04	7,100,971	81,538,004	8.71

¹ Eligible estimate.

Note: The data above is based upon information from the following school districts in Bexar County, Tex.: Alamo Heights, East Central, Edgewood, Harlandale, Judson, North East, Northside, San Antonio, Somerset, South San, Southside, and Southwest.

MARITIME AUTHORIZATIONS, 1971

The PRESIDING OFFICER (Mr. CRANSTON). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15945, to authorize appropriations for certain maritime programs of the Department of Commerce.

The Senate resumed consideration of the bill.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 10 minutes, notwithstanding the rule of germaneness.

The PRESIDING OFFICER. Without objection it is so ordered.

DOES FREEDOM OF THE PRESS INCLUDE THE RIGHT TO INCITE MUTINY?

Mr. DOLE. Mr. President, one wonders, sometimes, what the outer limits of freedom of the press might be. Surely they are there, just as there are boundaries of freedom of speech. I remind you, Mr. President, that one cannot cry "fire" in a crowded theater.

My question now is, Does freedom of the press include the right to incite mutiny?

I, for one, do not think so. Yet I believe a Columbia Broadcasting System reporter has come perilously close to attempting to incite mutiny by playing on the emotions of soldiers just before they

were to go into battle. The reporter's interview was broadcast last night.

I can think of no other war in our history where this sort of thing would have been permitted.

It is a rare man, indeed, who is not filled with fear and apprehension before the battle. Bravery is not a lack of fear; it is the ability to overcome fear.

And yet this reporter deliberately attempted to incite and increase those fears.

Mr. President, it appears to me that, in some cases, a concentrated effort is being made to destroy our national will and character by playing first on the emotions of our battlefield soldiers and then, by feeding the results back home, to play on the emotions of the American people.

I do not believe we can long let this sort of effort go unchallenged, lest it succeed in dividing us permanently. A nation of doubters in the rightness of their own national causes cannot long survive either a threat from within or a threat from without. Those in the media who deliberately set out to fill the people with mistrust and anger at their own duly elected leaders do our country no service.

In closing, Mr. President, I would like to say that CBS is not alone.

David Brinkley, whose forte is not reporting but playing on emotions, told us last night that a playground in an enemy village was a casualty of the war. He said:

There is something infinitely sad about a Sherman tank running over a see-saw.

Mr. President, there is something infinitely sad, also, about the killing of American soldiers by an enemy who,

until now, was allowed to kill with impunity from a protected sanctuary.

And there is something infinitely twisted about Mr. Brinkley's effort to make the American people think that America's leaders and America's soldiers are in the business of fighting little children.

Now, Mr. President, I want to read to the Members of this Chamber the dialog of Gary Sheppard's interview with our troops, so that they can judge for themselves the validity of what I say.

It reads as follows:

Good evening. There was an indication today that North Vietnam may be launching a counter-offensive in response to the stepped-up allied military drive in Indochina. Communist forces operating 16 miles below Vietnam's Demilitarized Zone attacked units of the 101st Airborne Division, killing 29 Americans and wounding 21. And those were the heaviest U.S. losses in any single engagement in almost two years.

At about the same time the allies opened three new drives into Cambodia. Gary Sheppard was on the scene as one of the U.S. units prepared to strike into that country. Here is his report:

Alpha Company, 3rd Battalion, 22nd Infantry Regiment didn't know where it was going when it was flown into the forward staging area at Tien Nhon (?), only five miles from the Cambodian border. All the men were told was they'd be moving out the next morning and should take enough C rations to last for three days. But then the news finally began to spread. Tomorrow, Alpha Company would be airlifted by helicopter into Cambodia, part of a task force of nearly 4,000 American soldiers who would attempt to wipe out a major North Vietnamese and Viet Cong base camp on the other side of the border. The prospect of fighting the enemy inside Cambodia and

what it all meant raced through each soldier's mind.

What are you going to do?

"I don't know. . . I'll tell you what. . . I'm just going with them. . . I'm going with the rest of the troops because it ain't worth it. . ."

Do you realize what can happen to you?

"The only reason that I'm in here now is a dishonorable, a bad conduct, or undesirable discharge—that don't mean that much to me. It means a whole lot to my father and my relatives. This is why I'm in the Army now."

Are you scared?

"I was scared when I got my draft notice. . . being scared ain't the problem. . . yeah, I'm scared. . . who ain't?"

Time grew shorter. Other men of Alpha Company began to speak out as well and it became apparent that there were few of them who really wanted to go.

"Most of us got very few ammo and we are not prepared. We are just. . . overnight notice, really. We are just really not prepared."

When the choppers come in here in a little while and load you guys up and take you in there, are you going to get aboard or are you going to stay here?

"Well, it really depends on my buddies. I'm all for what they. . . if they go, I'll have to go. It really don't do any good for just a few of us to stay. Have to get a lot of us."

How many of the men here do you think really want to go in there today?

"Very few. But there's not very many of them willing to stand up for what we know is right, but. . . a lot of them will probably go on in anyway."

Here, I might add, it is a leading question:

Do you say the morale is pretty low in Alpha Company?

"Definitely. Very low."

Why?

"Well, we've been getting pushed around, we don't get supplies like we're supposed to, they don't tell us what's going on or what we are going to do or anything, so it's very definitely very low."

"What's a coward? Going into Cambodia, will that make us heroes? They don't want us there. The war there would be a different thing. . . now we are supposed to go to some village—a village which you can ask any officer around here, they don't know where we are going. If they do they're not telling us."

When the helicopters arrive to carry Alpha Company to a new war in Cambodia, there was some hesitation but no one stayed behind. Each man moved out when he was given the signal. . . wondering perhaps what he would face when he jumped out of the helicopter across the border—wondering, too, whether he would ever make it back.—Gary Sheppard, CBS News at Tien Nhon(?) near the Cambodian border.

Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes without the rule of germaneness applying.

The PRESIDING OFFICER. Without objection, it is so ordered.

WE SHOULD PRESERVE BALANCE OF POWER IN THE MIDDLE EAST

Mr. YOUNG of Ohio. Mr. President, the United States should immediately

sell Phantom and Skyhawk jet war planes to Israel. Much overlooked, due to President Nixon's commitment of American manpower to prosecute a ground war in Cambodia and escalating our fighting in Southeast Asia, the Soviet Union last week crossed the Rubicon in its Middle East involvement moving from the role of sponsor and supplier to active participant in the fighting there.

With Soviet pilots now flying offensive and defensive missions, the Egyptians last Wednesday staged a major ground attack across the Suez Canal, striking Israel positions along a 15-mile front. Egyptian officials described the action as the largest engagement between Egyptians and Israelis since the 1967 war.

By the end of last week, 27 Israeli soldiers had been killed and 61 wounded in the intensified fighting. Such a high casualty rate places an extremely heavy burden on Israel. The death of 27 soldiers in Israel has the same meaning in relation to total population as would 2,400 American military deaths.

The fact is that Israeli deaths due to enemy action have increased to the highest level since last June.

Mr. President, it is obvious that the Egyptians' new boldness is a sign that Colonel Nasser feels his supply lines and population centers, guarded by members of the Soviet Air Force, are now immune from Israel counterattack.

It is a small step from the defensive missions which the Russians are currently flying—in which on at least one occasion they were given orders to engage the Israelis in combat—to offensive missions against Israel along the canal cease-fire line.

In addition to Russian pilots from its crack air force, the Soviet Union has supplied Nasser with SAM-3 ground-to-air missiles around Cairo and in the Nile Delta. These missiles along with Soviet pilots and gunners now serve as the key instruments of Egyptian defense against low-flying Israeli fighter bombers along the Suez Canal and deep inside Egypt.

Colonel Nasser evidently believes that with this fortified air protection, the Israelis will be unable to launch the kind of effective, preemptive strike that virtually decided the 1967 6-day war within 2 hours. Also, Nasser is hopeful that this air defense will allow him to carry out his self-declared war of attrition against the Israelis along the Suez Canal.

Mr. President, Israel is a Western-oriented multi-party democracy, America's only true friend in the Middle East. In contrast, the Arab nations are controlled by anti-American dictators who, despite their abundant natural oil resources, have failed to shatter the glass of antiquity and enter the 20th century.

Mr. President, when President Nixon made his recent decision not to sell additional Phantom war planes to Israel it was probably because he believed that the SAM-3 missiles alone did not alter the balance of air power against Israel. Now in the wake of actual active Russian participation in the Middle East conflict and the joint Russian-Egyptian threat Israel faces, the United States should not

hesitate to sell planes to this valiant little nation.

MARITIME AUTHORIZATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce.

Mr. LONG. Mr. President, is the pending business H.R. 15945?

The PRESIDING OFFICER (Mr. CRANSTON). That is correct.

Mr. LONG. Mr. President, are we now back on the rule of germaneness?

The PRESIDING OFFICER. That is correct.

Mr. LONG. Mr. President, the purpose of this bill is to authorize appropriations for the Maritime Administration program pursuant to Public Law 90-81 enacted in the first session of the 90th Congress.

The maritime authorization bill as requested by the Department of Commerce would have authorized a total of \$427 million for the acquisition, construction, and reconstruction of vessels, payment of obligations incurred pursuant to operating subsidy contracts, research and development expenses, reserve fleet expenses, operation of the Merchant Marine Academy at King's Point, N.Y., and financial assistance to State marine schools.

The pending bill as reported favorably by the Senate Commerce Committee, would increase the authorization by \$2,420,000 or about one-half of 1 percent over the amount requested. The bulk of the increase, \$2.3 million, represents an amendment made by the House of Representatives, in which your committee concurs, that would have the effect of continuing the operation of the nuclear vessel *Savannah*. The second amendment adopted by your committee increases the authorization for financial assistance to State marine schools by \$120,000. I will discuss the reasons for these amendments in more detail later in my statement.

Mr. President, the appropriations authorized in this bill represent the first year of a new maritime program which has as its objective the revitalization of our merchant fleet. The current state of our merchant marine is, I am certain, all too familiar to most of the Members of this body. It has declined to the point where U.S.-flag ships now carry only about 6 percent of our own foreign waterborne commerce. The present U.S. trade fleet consists of approximately 650 ships, 75 percent of which are over 20 years of age. By comparison, only 25 percent of the world's merchant fleet is over 20 years old. The U.S. ships are now past economic useful life, and the Maritime Administration estimates that 85 percent of the old ships will be lost to our merchant fleet by the end of 1973. Clearly, we are facing a problem of massive block obsolescence. Unless something is done soon, the situation will become a crisis.

The Committee on Commerce, and the Senate generally, has long recognized the importance of a viable merchant

marine to our national defense, commerce, and balance of payments. With respect to defense, our experience in World War II, Korea, and again in Vietnam clearly demonstrated our dependence on the merchant marine. In Vietnam, we could meet the need only by breaking out 160 overage vessels from the mothball fleet—an expensive and inefficient expedient, at best. The ships represented all that were usable in the reserve fleet and, as time progresses, even fewer will be available to meet future contingencies.

With respect to our commerce, I need repeat just one fact: Only 6 percent of our waterborne foreign commerce is carried on American ships. This means that we are totally dependent on foreign nations for the carriage of our exports and imports. While these are for the most part friendly countries, it is not reasonable to expect that in a time of emergency they would place the interests of the United States above their own interests. There is no guarantee that if needed by their own countries or elsewhere, they would continue to be available for our commerce at a reasonable rate. Likewise, the impact on our balance of payments resulting from paying for carriage by foreign interests is substantial, and totals about \$1 billion.

In the last Congress, the Merchant Marine Subcommittee of the Committee on Commerce held extensive hearings on maritime policy extending over a period of 5 months. These hearings documented and confirmed the urgent need for new initiatives in merchant shipping. On October 23, 1969, the President sent a message to the Congress recognizing that urgent need and proposing a new program to build 300 merchant ships over a 10-year period. The legislation to effectuate the program was transmitted to the Senate in late December and introduced as S. 3287 by the chairman of the Committee on Commerce, the ranking minority member, and me, in a showing of bipartisan support for the objectives of the bill. The Merchant Marine Subcommittee has now completed its hearings on S. 3287 and endorsement of the objectives of the bill was virtually unanimous in witnesses from Government, industry, labor, and elsewhere. I anticipate that legislation will be reported out in the near future, recommending a new maritime program.

In the meantime, action must be taken on appropriations for fiscal 1971 which will also permit the initiation of the new program. In that regard, H.R. 15945 authorizes \$199.5 million for acquisition, construction, and reconstruction of vessels and payment of construction differential subsidy. This will permit funding for construction of 19 new ships during the coming fiscal year, as compared to 10 this year, and is the same amount requested by the administration.

The bill also authorizes \$193 million for ship operations subsidies, a decrease of over \$20 million from last year, representing discontinuing subsidy payments to certain operators who no longer need operating subsidy to be competitive on

certain trade routes, terminating subsidy agreements on certain profitable trade routes and other factors. The figure is also sufficient to extend operating subsidy to two new operators.

Also included in the authorization is \$19 million for research and development activities which represents a reduction by the committee of \$1.7 million in the administration's request. The \$1.7 million was to be used for the initial phase of the nuclear ship *Savannah*. The bill also provides \$4,675,000 for continued preservation of the reserve fleet and \$6.8 million for training at the Merchant Marine Academy at King's Point, both of which are identical to the amounts requested by the administration.

The bill, as introduced and passed by the House of Representatives, authorized \$2,325,000 for financial assistance to State marine schools in California, Maine, Massachusetts, New York, and Texas. The committee increased this authorization by \$120,000 to permit assistance to the Great Lakes Maritime Academy in Michigan. That amount is based on the same formula applicable to the grants to the other State marine schools. The reason for the committee's action is that none of the other academies currently receiving assistance is located on the Great Lakes or specifically trains mates or engineers to meet the special needs of the Great Lakes. There is a shortage of trained personnel on the Great Lakes which is expected to grow, but officers from the other coasts cannot fill the need because they do not have the special training or licenses necessary. The State of Michigan has established this academy by an overwhelming vote of both houses of its legislature and has designated capital facilities valued at \$600,000 for its operation. The amendment recommended by the committee will authorize Federal Government participation in meeting the financial needs of this institution, on the same basis as assistance is now furnished to the other State marine schools.

I submit, Mr. President, that if this were not done, it would amount to discrimination against the State of Michigan and its marine school, compared to the maritime schools already put in operation in five other States.

The last item in the bill is \$4 million for the continued operation of the NS *Savannah*, which includes an extraordinary expense to install a new fuel core which has already been purchased by the Government. The annual cost of operating the *Savannah* is \$3.4 million. The administration had originally requested \$1.7 million for the initial phase of layup of the ship during the coming year, the full cost of layup over the next 3 years being \$9 million, spread over 3 years. The House of Representatives amended the bill to authorize funds for continued operation. The Maritime Administration has indicated that nuclear propulsion will be an important part of future maritime technology. Both the Germans and Japanese have launched nuclear merchant ships within the last 2 years. If our Nation were to lay up the *Savannah*

now and then try to assemble a new nuclear ship program in a few years, the cost would be tremendous. In that light, the layup of the *Savannah* would prove an uneconomic and wasteful decision. Therefore, the committee has adopted the amendment made by the House so that the *Savannah* can be part of an ongoing nuclear merchant ship program until a new program is formulated.

Mr. President, that is a summary of what is contained in this bill. It represents an essential first step in revitalizing our Nation's maritime capability, an objective which is shared by the President, the House of Representatives, the Committee on Commerce, and the Senate. The Committee on Commerce approved this measure unanimously and I strongly urge my colleagues to give the bill their favorable vote now. The economy and security of the United States require no less.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 2, at the beginning of line 11, strike out "\$2,325,000" and insert "\$2,445,000."

WASHINGTON POST EDITORIAL ON ATTACK CARRIERS

Mr. THURMOND. Mr. President, I rise today to discuss the credibility of a so-called significant study of military tactical air power. This discussion is prompted by the recent publication in the Washington Post of an article summarizing a DOD study of attack carriers.

We all know the power of the printed word, and we know that when a published work goes unchallenged it acquires a certain amount of authenticity and respectability. The study I will discuss is not an approved DOD report, it does not have authenticity, and it has been repudiated at the highest levels in the Pentagon. In spite of this, it has received notoriety and Bernard Nossiter's article about it was entered into the CONGRESSIONAL RECORD on April 30 by the junior Senator from Minnesota.

At the outset of my remarks, Mr. President, I would like to say that I am not taking sides in an argument over land-based or sea-based tactical air. Both kinds of airpower are needed and each makes its own special contribution to the security of our country. Their relative values were studied very carefully by the Joint Armed Services Subcommittee on CVAN-70—nuclear attack carrier—of which I was a member. It was the considered judgment of that subcommittee that the determination of relative costs

of a land-based and sea-based tactical air were not definitive. A general estimate frequently used puts these costs at a 1-to-1 ratio.

Despite the significant work of the subcommittee, critics of Defense procurement are seizing on this Washington Post article because it describes a study that downgrades aircraft carriers and concludes that the fleet can be cut.

Mr. President, my remarks to follow will show that Mr. Nossiter's article is based on a study that has been thoroughly discredited by knowledgeable authorities. As such it has no place as evidence in the documentation of military procurement.

HISTORY OF THE ROSENZWEIG STUDY

The "secret Pentagon study" mentioned by the Washington Post is the work of Mr. Herbert Rosenzweig, who was formerly with Systems Analysis in the Department of Defense. This is the office, Mr. President, that my friend and colleague from South Carolina, the Honorable MENDEL RIVERS, has been trying to abolish for several years. You will recall that not long ago a member of that office made the absurd recommendation that the Navy sink 10 Polaris submarines because they were too expensive to operate and maintain.

Mr. Rosenzweig is now with Brookings Institute, and it was there that he released his paper on attack carrier requirements and the relative costs of land-based and sea-based tactical air. Mr. President, let me trace the history of Mr. Rosenzweig's work.

The issues of attack carrier force levels and the carrier modernization program have been analyzed extensively and discussed within the Defense Department over a number of years. The current carrier building program is the result of DOD and congressional decisions based on OSD, JCS, Air Force, and Navy analyses and judgment.

The methodology used in Rosenzweig's paper first appeared as an OSD—Systems Analysis—draft paper several years ago. In point of fact, essentially the same analysis and conclusions contained in this paper were issued twice during 1968–69 as draft staff studies. In both cases, the draft staff studies were sent for service comment, and in both cases the analysis was not able to stand in the light of service review. Neither paper went beyond draft status and the report's conclusions and recommendations were not reflected in the procurement program.

The second appearance of this analysis in draft form in the spring of 1969 was marked by rebuttals and general repudiation on the grounds that major errors in cost analysis, method, and conclusions had not been corrected.

To a large extent, the present version of the Rosenzweig study reverts back to the author's original position and is further limited by his inability to substantiate and fully document many of the numbers used. Accordingly, the paper displays much of what the author believes rather than what can be proven.

MAJOR ERRORS AND OMISSIONS

The Rosenzweig paper does not follow one of the common first principles of cost-benefit or cost-effectiveness analysis. The usual procedure for comparative analysis is to hold either cost or effectiveness constant, and compare the alternatives based on measurements of the other factor. The paper holds neither constant.

In addition, there are several other major errors which I shall describe briefly. These are:

First. Understatement of the defenses required for a land-based wing of tactical aircraft.

Second. Understatement of the logistics requirements for the land-based force. This appears in two forms—understatement of tonnage requirements and overstatement of deployment capability of the transportation used to supply logistics for the land bases. Further, there is an understatement of the protective requirements of the land-based logistic train.

Third. Understatement of the deployment capability of the sea-based force by selecting for the problem a carrier that is based in the United States and which is then subjected to the disadvantages of having to deploy over the full course. Further, the carrier can presumably have the added disadvantage of being based on the wrong coast. This portion of the analysis so radically departs from any foreseeable real world situation as to force one to the conclusion that if the precepts of the paper were followed, the Navy and JCS planners would have to be judged completely irresponsible.

Fourth. Overstatement of sea-based costs, including, for example, the sea defenses required for the underway replenishment ships but not including escort costs to the MSTs ships used for supplying a land base.

Fifth. The method of determining deployment time of the aircraft carriers in this paper does not take into consideration the real world factors of force size, deployment policy, or national interests. The carrier is given only a 50–50 chance of being on the right coast and is not given any credit for being deployed when needed.

Sixth. In his study Mr. Rosenzweig utilizes a land-based air warfare system that cannot deploy, cannot defend its base, and cannot support itself logistically.

Seventh. Finally, Mr. Rosenzweig's report is based on a number of questionable assumptions. These are:

That petroleum, oils, and lubricants are available.

That the transport logistic aircraft are totally invulnerable while en route to the combat zone, while in the air in the combat zone, and while on the ground in the combat zone.

That adequate numbers of bare bases will be available wherever we need to fight.

That such bare bases that do exist will be immediately available for exclusive Air Force use.

That the threat to land bases from enemy ground attacks is very unlikely.

In conclusion, Mr. President, I need only to point out that the author failed to obtain approval of his study while he was in the employ of the Defense Department. Since he uses the same discredited methodology in his new report, its quality is far below the standards normally adhered to by professionals in the fields of systems analysis and cost effectiveness analysis. Moreover, Mr. Rosenzweig was invited to appear before the joint committee on CVAN-70 to testify, but for reasons not exactly clear to us, he did not appear.

Mr. President, I just wanted to set the record straight and provide evidence showing that the report on which the article was written has little standing in the defense and scientific community.

MARITIME AUTHORIZATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, at the beginning of line 11, to strike out "\$2,325,000" and insert "\$2,445,000".

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I recognize that we need a merchant marine sailing under the American flag. I also recognize that we cannot sustain an American merchant marine in view of the wide difference in our existing wage rates and the international wage rates unless we have some form of subsidy. By the same token, I realize that we cannot keep our American shipyards operating unless there is a differential subsidy to offset to some extent some of the increased cost of wages in this country as compared with those paid in foreign shipyards.

I recognize those points, but at the same time I also recognize that the formula for the subsidy for the American merchant marine as it has existed over the past several years is completely wrong from the standpoint of the American taxpayers. It has developed to the point that the companies themselves have very little interest in holding down the cost of the construction of a ship or the operation cost because the subsidy has reached the point where any increase in the cost of a ship or the cost of labor almost automatically is assumed by the Federal Government.

A good example of that was pointed out to me when I was talking to some of the shipowners at the time of the merchant marine shipping strike on the east coast. They said it had reached the point where, as owners of the companies affected, they had no interest whatsoever in negotiations on wage rates with members of the union, because they had reached the point of no return to the extent that any increases in wages agreed upon would only result in an in-

creased subsidy, which, under the law, would be provided by the Congress. Therefore, the real negotiator was the Federal Government. It was the only negotiator because to the extent that wages were increased the taxpayers assumed the entire cost.

That was due to the fact that under the existing formula any further increase in the wage rates as compared to the wage rates on the international labor market would automatically be absorbed by the Federal Government.

So we had this rather ironic situation at the time: The management, very naturally, wanted the ships back in operation. Labor wanted the increased wage rates. So we had both management and labor working together, putting pressure on the Government negotiator to go ahead and agree to terms—any kind of terms so far as management was concerned—to get the ships moving; and that, of course, put both management and labor on the same side, against the American taxpayers.

We have the same situation prevailing in the construction of ships. The Government now, in effect, underwrites the extra cost of the ship as compared with non-domestic shipyards.

Therefore, the companies have very little interest in really getting down to hard bargaining with the shipyards to try to get the cost of this \$30 or \$40 million ship down by a few hundred thousand dollars. After all, the extra cost is going to be absorbed by the Government; so why should they be a hard bargainer?

I think we need a formula which puts some financial incentive on both management and labor, whereby they can lose something. I do not think it is fair to perpetuate a system where the American taxpayer is always the goat, when he is not even sitting in at the bargaining table. Therefore, I shall not support the passage of this bill today. I believe it is just a perpetuation of existing formulas which, over the years, have not worked to the advantage of the American taxpayers.

The administration promised last year to send down a bill which would revise this subsidy formula on a more equitable basis as far as the taxpayers are concerned. I understand the committee is giving that matter its consideration. I shall not pass any opinion on the merits of that bill or on whether it is better or worse than this one, although I do not think it could be much worse.

Nevertheless, as a Member of the Senate I wish to reserve the right to evaluate it after it is reported and after we see in what form it is. I shall not be supporting it unless it represents a substantial revision of the existing inequitable formula, which does not protect the interests of the taxpayers.

I think it is unfortunate that this particular bill has come before us before the committee is willing to present to the Senate the major bill revising this whole formula. I repeat, I think we need a merchant marine. I think our merchant marine problems must be recognized and

faced. But at the same time, I am not willing to proceed unless we correct the present inequitable formula.

I am a great believer in the free enterprise system in this country, and I have strongly supported it over the years. But with our free enterprise system there goes a responsibility, and I think the maritime industry has not accepted its responsibility as it should under existing law.

This is an authorization bill. I have talked with the chairman of the committee, and he concurs that its passage at this time does not bind Congress to this amount when the appropriation bills come before us.

Therefore, I shall not make a major issue of it at this time but merely serve notice that when the appropriations come before the Senate I shall be taking an active interest in the matter, and trying to roll it back to a realistic level.

If in the meantime the major bill containing a more realistic formula is not acted on—and I hope it will be done before then—I reserve the right when the appropriation bills come before the Senate, for myself and other Senators who feel these subsidies are getting out of line, to have it understood that we are not binding ourselves by this bill at this time. I wish to make it clear, however, that I am not voting for this bill today because I personally would have recommended that we withhold any action until such time as we are ready to face the issue head-on.

The committee felt that they did not have the time to do it at this time, and I shall not get into a debate on that point. I merely repeat, I think we do need a merchant marine in this country, and I think that in order to have it, it has to have some form of government subsidy. I accept that, both as to ship construction and operational subsidies.

But I want it clear that I think that the existing law is far too lenient as far as the maritime industry is concerned and does not protect the interests of the American taxpayers. For that reason I shall vote against this bill. When the appropriation bill is before the Senate at a later date if this formula has not been corrected I shall be taking an active interest in trying to oppose some of these measures that are recommended here today.

With the understanding that this is not a binding commitment for any definite appropriations I yield the floor with this expression of opposition.

Mr. MAGNUSON. Mr. President, pursuant to legislation enacted in the 90th Congress, the Senate is called upon to enact authorizing legislation as a precondition to enacting an appropriation bill for programs of the Maritime Administration. This is the 3d year that the Senate has had before it the annual maritime authorization and, as a cosponsor of the legislation passed in the last Congress establishing the authorization requirement, I firmly believe that it is proving beneficial to an enlightened and

increased effort on behalf of our merchant marine.

This year's authorization bill, H.R. 15945, gives me a great deal of satisfaction, for it represents the first page of the last chapter in the long struggle to revitalize our merchant marine. I have served in the Congress of the United States for a number of years and during all those years I have had a special interest in and concern for the strength of our merchant fleet. I have long advocated and diligently worked for a strong merchant marine because I believe that it is indispensable to our national defense and vital to our economic well-being. Consequently, the decline of our maritime capability and the neglect that long prevailed in our Government has been a source of grave concern to me.

There is little need to detail the decline of our merchant fleet. The facts are available to all of us and all-too-familiar to most of us. While this Nation's production of goods and services and trade with foreign nations has grown at a fantastic rate, we have become totally dependent on foreign interests to sustain the lifeline of our trade. Ninety-four percent of our waterborne foreign commerce is carried on foreign flag vessels. While the world fleet has increased by 61 percent in the last 15 years, our privately owned fleet has decreased by almost 25 percent to the point where we are now rated 16th in world shipbuilding statistics. Three-quarters of our merchant fleet is over 20 years old and will soon be totally obsolete.

These are just a few of the facts that have been troubling me about our merchant marine. Now we are taking action to remedy this situation. For the first time in many years the Senate has before it a plan to rebuild our merchant fleet that has the full support of the executive branch. The pending bill would authorize appropriations for the first year of that program. The \$199.5 million provided for ship construction will provide funds for 19 ships. It is a modest beginning in light of the tremendous need, but represents a necessary first step to attaining a rate of 30 ships per year by fiscal 1973.

I believe that the urgent need for such a program is beyond dispute. I am mindful of the budget limitations forced upon us by the economic conditions now prevailing, and am well aware of the vast demands upon the Federal budget dollar for badly needed domestic programs. I have long supported and worked for many of these domestic programs and will continue to do so. I should also point out in that regard that the bill before us has considerable merit: shipyards have traditionally employed large numbers of the poor, minority groups, and marginally skilled workers. Most of our shipyards are located in, or on the edge of, depressed areas and the increased activity which will result from a new building program will generate substantial numbers of jobs and new economic opportunities for these persons—a result to be desired in these times of rising un-

employment and increasing economic hardships. Likewise, the new program will help to arrest the decline in jobs for seafaring labor, a situation which has reached crisis proportions and which has brought misery to thousands of American families.

For these reasons, among others, I believe that the rebuilding of our maritime capability is deserving of considerable priority, and that the pending bill reflects that priority appropriately. I strongly urge my colleagues to give this bill their favorable consideration.

Mr. President, I came in a little late, but I have listened with a sort of feeling of nostalgia to my good friend from Delaware talking about the merchant marine bill. Over the years he and I have had more illuminating debates—at least we thought so—over merchant marine matters than any other debates that ever took place in the Senate. The problem is that each time we would get going about the controversial merchant marine, many Senators would leave, and we would just be talking to each other. But when Senators read the *Record*, I think they usually found the debates were illuminating about the problems of the merchant marine.

So I shall miss the Senator from Delaware. Sometimes we would get to a point where Senators would come back in; they thought maybe we were going to have a real fight about something. But through it all, the Senator has been very gracious, and through it all he has, I think, helped us to take a closer look at some of these matters. Because of it, I think we have had better bills.

Of course, most of these matters came with the appropriation bills rather than the authorizations. The Senator from Louisiana has spent a great deal of time on the new maritime bill. He and his subcommittee have heard a great many witnesses, and I think they have come up with a bill which, while it is not exactly what I would like—I would like to do more for the American merchant marine—is a bill that is going to start us on the way upward toward an adequate American merchant marine.

Our merchant marine, Mr. President, is literally our fourth arm of defense. Anytime something happens in the world involving this country, we call upon the merchant marine to be the fourth arm of defense. In World War II, the private American merchant marine was inadequate. We had to build a lot of ships, because we did not have enough ships at that time; but it carried 96 percent of all our traffic overseas for our people. The same is true in connection with our problems in Southeast Asia. We would like to keep an adequate American merchant marine, flying the American flag, because it is needed in both war and peace. As the Senator from Louisiana and I have stated many times, we do not think it is right that the American merchant marine now carries only about 6 percent of our exports and imports.

There was a great deal of discussion, and many conferences, between the Sen-

ator from Louisiana and myself and others, in trying to work out something we could all live with. I think this measure is a step forward, and I congratulate the Senator from Louisiana for getting the authorization before the Senate promptly. Perhaps the Senator from Delaware and I, when the appropriation comes along, before he says adieu to us, will engage in one more controversy. If so, I am sure it will be illuminating.

Mr. WILLIAMS of Delaware. I thank the Senator from Washington. I am sure it will be, and I am sure that the Senator from Washington and the Senator from Delaware will enjoy it.

As the Senator has pointed out, over the years I have been rather critical of the formula under which the maritime subsidy has been arranged. The Senator from Washington and I have debated this issue on numerous occasions, and I hope, as he says, that we shall have another opportunity at a later date when the appropriation bill is before us.

I do say that at no time have I taken exception to the sincerity of the Senator from Washington or his dedication to having a sound American merchant marine. He has been a strong advocate of that, and at the same time he has never questioned the fact that I, too, believe in a strong American merchant marine under the American flag and in the importance of it.

Our difference is just a difference in the manner in which we would approach it as to the subsidy formula. I have very strong feelings as to my belief that the present formula is far too liberal. He likewise has his own views.

We each have expressed them in our own forceful manner, but we have done it as friends. We came on the floor as friends, and I have enjoyed very much my work with the Senator. I served as a member of his committee for a number of years. The fact that we have differed on this subsidy formula, and the fact that we differ today as to the wisdom of proceeding to pass this bill, do not in any way diminish my respect for the Senator from Washington.

As one who is leaving the Senate after this year I want to say that I shall always have fond memories of my debates with the Senator from Washington. I may even come back some day to hear him carry on that discussion with some of my successors.

Mr. MAGNUSON. The feeling is mutual.

Mr. GRIFFIN. Mr. President, I wish to indicate my support for the pending bill, H.R. 15945. This bill authorizes appropriations for certain programs under the jurisdiction of the Department of Commerce. Even more important is the relation of this bill to a bold program of the future announced by the administration. As noted in the appendix to the budget for fiscal 1971:

The 1971 budget includes initial funding for a ten-year program of ship construction and related activities designed to revitalize the U.S.-flag merchant marine.

Mr. President, it will be recalled that on October 23, 1969, President Nixon

submitted his message transmitting recommendations for a new shipbuilding program. This bill, H.R. 15945, represents a first step in the much needed and long overdue revitalization of our Nation's merchant marine. In the words of President Nixon, the program is "one of challenge and opportunity."

As we noted earlier, the bill as reported by the committee includes an amendment to authorize support for a newly established State Maritime Academy to serve the Great Lakes on the same basis that support is provided for the other State academies previously established. The committee amendment, already adopted, authorizes funding for the Great Lakes Maritime Academy at Northwestern Michigan College, so that this major region of our Nation will be able to participate in and benefit from the "challenge and opportunity" of the administration's new maritime program.

In summary, Mr. President, this bill represents the first of many hoped-for milestones in the advancement of our Nation's shipping capability. In the words of President Nixon,

It is my hope and expectation that this program will introduce a new era in the maritime history of America, an era in which our shipbuilding and ship operating industries take their place once again among the vigorous competitive industries of this nation.

Mr. President, I commend the distinguished Senator from Louisiana (Mr. LONG) for his leadership as chairman of the subcommittee, and the Senator from Washington (Mr. MAGNUSON), who chairs our full committee, and the others who worked on this measure, on both sides of the aisle.

I join in the hope and expectation expressed by President Nixon, and I urge that the Senate pass the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15945) was read the third time, and passed.

ORDER OF BUSINESS

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

COAST GUARD AUTHORIZATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate pro-

ceed to the consideration of Calendar No. 849, H.R. 15694.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 15694, to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. Mr. President, there is no controversy surrounding this authorization at all, and I would, therefore, hope that the Senate would proceed to vote upon it.

The PRESIDING OFFICER (Mr. CRANSTON). If there be no amendments to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15694) was read the third time and passed.

TRIBUTE TO SENATOR LONG AND OTHER SENATORS

Mr. MANSFIELD. Mr. President, the Senator from Louisiana (Mr. LONG) has again demonstrated his outstanding legislative skill and ability. With the passage of the maritime authorization, designed to maintain a healthy merchant marine, he has added another splendid achievement to his already abundant record of public service. With passage of the Coast Guard authorization so swiftly his achievements today have been made doubly meaningful.

Senator LONG's strong advocacy, his fine presentation and leadership, and his hard work on both of these measures are to be commended deeply. Passage of two such important proposals in a single day—both under the guidance of one Senator—is a rare achievement indeed.

The distinguished senior Senator from Washington (Mr. MAGNUSON) deserves our high commendation as well. As chairman of the Committee on Commerce he has again devoted his most effective legislative skills to two highly important matters. The Senator from Michigan (Mr. GRIFFIN) also contributed greatly to these successes. His thoughtful views, his splendid cooperation and support were vital to such swift and efficient Senate action.

Finally, the Senator from Delaware (Mr. WILLIAMS) should be singled out for his participation. Though he opposed the maritime measure, he offered his views with great sincerity and cooperated to assure final disposition this afternoon. To him and again to Senator LONG and to the Senate as a whole we are grateful.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT DEMONSTRATIONS

Mr. GORE. Mr. President, upon emerging from a committee session this morning, I found the hallway filled with students, including four from the State of Tennessee. Upon reaching my office, I found another delegation waiting there, from several States, including my State of Tennessee.

Although I welcome the opportunity to talk with constituents at any time, anywhere, and I invariably draw from such communication wisdom and helpful criticism, and, sometimes, strength, I rise at this moment to urge the students of my State not to come to Washington this weekend.

I have received long-distance calls from parents, from faculty members, and from students, about the possibility of demonstrations, meetings, debates, discussions, and protest meetings this weekend in the Nation's Capital.

Mr. President, I doubt whether such will be helpful. I wish the students to know that Members of the Senate are as troubled as they can possibly be about war.

I must confess that I do not have a fixed and certain conclusion in my own mind as to what the Senate itself should now do. We are a bicameral Congress. Even though the Senate could reach a consensus, the legislative branch can only affirmatively act by a majority of both Houses of Congress with the concurrence of the President. Without the concurrence of the President, two-thirds of both Houses are required.

So let me call this fundamental of our working democracy to the attention of the students from my State, many of whom I find are already here, demanding that Congress act. And from the telephone calls I have had, many more of the students are contemplating coming to Washington or are en route.

I do not wish to predict violence in the Nation's Capital this weekend. I know that many thousands came to a meeting a few months ago, and it was without significant violence. It may be that this can occur again.

I hope there will be no violence here or on any campus in America. Violence will not serve the cause of peace. Violence has no good fruit. Violence is destruction. I hope that all will refrain from it.

I only arose, Mr. President, to give a message to the parents and the faculty and the students who have been calling me and to urge them to manifest their sentiments in their own communities, to exercise their citizenship and their right of petition at their own institutions and in their own places of residence. This is, perhaps, gratuitous advice and perhaps unwanted. But because I am apprehensive, because I am aware of the recent tragedy on the campus at Kent State

University in Ohio, and also because I am genuinely interested in the cause of a peaceful settlement, a negotiated settlement of this horribly bloody war, I wish to avoid even the prospect of violence and intemperance.

I know, Mr. President, that many people are saying that our system has broken down, that it does not work. I do not share this doubt.

The processes of democracy do not work perfectly. But the great Winston Churchill expressed the view, if I might paraphrase him, that democracy is the worst system of government except any other kind that has been suggested.

Our system must work. We must make it work, and the students must help to make it work.

This is not to imply that students are alone in being frustrated and in being concerned about the war, particularly about the invasion of Cambodia. Tensions are high all over the country. And a constitutional crisis may be in the making. But this is not a crisis that can be solved by protest meetings. It is not a crisis that can be solved by, nor should it be approached with, any threat of violence. Acts of violence, should they accidentally occur—and we know that there are always dangers of an accidental shot—might trigger something other than accidental violence. Accidental violence will not contribute to, but will postpone and make the working of the process more difficult.

I address these remarks to the parents, teachers, and students of my own State. I do not propose to speak for others. If my message reaches others, I have no objection. I doubt that mass meetings and mass protests now, in the inflamed climate of today, will be helpful. There is a grave risk of harmful incidents.

I repeat that I would not deny the right of people peacefully to assemble if I could, and I cannot. No one can. That is the first amendment to the Constitution.

But, Mr. President, I would not deny the right of freedom of speech, either, but there are times and places when one should not scream "fire." And this is a time, Mr. President, when it is dangerous for crowds to gather in the Nation's Capital where many may scream "fire."

AUTHORITY FOR COMMITTEE ON THE JUDICIARY TO FILE ITS REPORT ON THE NOMINATION OF JUDGE HARRY A. BLACKMUN TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to file its report on the nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States, together with any minority or individual views during the adjournment of the Senate.

The PRESIDING OFFICER (Mr. GURNEY). Without objection, it is so ordered.

PROGRAM

Mr. GRIFFIN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Mr. President, I have asked the majority leader to yield for the purpose of asking him if he might give us some idea of the program for the rest of the week and next week.

Mr. MANSFIELD. Mr. President, I am delighted to respond to the acting minority leader. The calendar is practically clear. There is no business on the calendar which collectively, in my opinion, would take more than 10 minutes. So on that basis, rather than come in tomorrow just for the purpose of being in, I make the following request.

ORDER FOR ADJOURNMENT UNTIL
MONDAY, MAY 11, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, on Monday it is intended to take up these minor unobjectioned items on the calendar, and then turn to the nomination of Judge Blackmun to be an Associate Justice of the Supreme Court.

Whether the nomination can be disposed of on Monday remains to be seen, but if it cannot on Monday, it will be voted on on Tuesday at an hour certain, if that turns out to be the case.

Mr. GRIFFIN. I thank the Senator.

HARRY S. TRUMAN DAM AND
RESERVOIR, MISSOURI

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3778, which was reported earlier today from the Committee on Public Works.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3778) to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Missouri.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SYMINGTON. Mr. President, in conjunction with my distinguished colleague (Mr. EAGLETON), who is in the Chamber with me this afternoon, I wish to state that the Senate has before it a bill to rename the Kaysinger Bluff Dam and Reservoir in Missouri after Missouri's No. 1 citizen, Harry S. Truman.

Although there is precedent for this action, it is unique to name a Federal project after a living individual. Cer-

tainly, however, Harry Truman stands above all others in deserving this honor.

In 1945, Harry Truman, then President of the United States, stated:

The development of our natural resources calls for men of courage, of vision, of endurance, just as in the pioneering days of old.

Harry Truman was just such a man himself; and over his many decades of public service he championed the conservation and development of our natural resources, particularly the cause of water resource development, displaying far-sightedness and dedication which we all benefit from today.

For this reason, and in recognition of his great service to his Nation, on April 30, Senator EAGLETON and I introduced a bill, S. 3778, to change the name of Kaysinger Bluff Dam and Reservoir to the Harry S. Truman Dam and Reservoir.

I want to thank Chairman RANDOLPH and the members of the Public Works Committee for their favorable consideration and swift action in reporting out and recommending this bill to the Senate.

This is a particularly appropriate location for a great memorial to Harry Truman since the reservoir will lie in west-central Missouri where he was raised, and only a short distance from Independence where the former President and his gracious and lovely wife Mrs. Bess Truman now make their home.

Kaysinger Bluff Dam and Reservoir has been called "The Giant of the Osage." Similarly, Harry Truman was a giant of his time who guided this Nation through some of the most turbulent years of the 20th century. And because Harry Truman contributed so much to the prosperity and well-being of this Nation, it is altogether fitting that his name be given to this vast project which will contribute so much to Missouri.

Thus, I wholeheartedly commend this measure to the Senate so that we may honor this great American who is celebrating his 86th birthday tomorrow.

Mr. EAGLETON. Mr. President, I, too, wish to join in the remarks just made by the senior Senator from Missouri (Mr. SYMINGTON) in support of S. 3778, the bill to change the name of the Kaysinger Bluff Dam and Reservoir to the Harry S. Truman Dam and Reservoir.

My colleague, the senior Senator from Missouri, has well-pointed out the illustrious achievements of our great former President, and words from me could not add to the greatness of President Truman's distinguished career.

As has been mentioned, it is exceptional that a dam be named after a living person. But Harry S. Truman was an exceptional man.

Therefore, I am pleased and privileged to join with the senior Senator from Missouri in urging the passage of the bill. It would be particularly appropriate if this bill were enacted into law by the end of this week since tomorrow is the birthday of President Truman.

I would like to thank the distinguished chairman of the Committee on Public Works, Mr. RANDOLPH and the distinguished ranking minority member of the

committee, Mr. COOPER, for their assistance in expediting consideration of this bill in the committee. It is with their help that the Senate is able to honor President Truman on the eve of his birthday.

I am privileged to serve with them on the Public Works Committee, and I am personally grateful for their assistance with the bill. I know my senior colleague from Missouri shares my appreciation.

Mr. GRIFFIN. Mr. President, I want the RECORD to show that this bill has bipartisan support and that it will be passed by unanimous vote of the Senate before the birthday of that distinguished American and great former President of the United States.

Mr. JAVITS. Mr. President, when I was a Member of the House of Representatives, I had many dealings with Harry S. Truman. His daughter is a personal friend of my wife and me. I was in Independence, Mo., when the library was opened.

I would like to join the deputy minority leader in expressing the same hope and stating that I think President Truman's services to this Nation have been so historic as to warrant this devotion and attention being given to it.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for third reading, was read the third time, and passed, as follows:

Be it enacted, etc., That the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, authorized by the Flood Control Act approved September 3, 1954 (Public Law 83-780), shall hereafter be known as the Harry S. Truman Dam and Reservoir, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "Harry S. Truman Dam and Reservoir."

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY,
MAY 11, 1970

Mr. GRIFFIN. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 27 minutes p.m.) the Senate adjourned until Monday, May 11, at 12 noon.